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United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

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U. S. Department of Agriculture

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

26301-26475

[Approved by the Acting Secretary of Agriculture, Washington, D. C., January 29, 1937]

26301. Misbranding of candy. U. S. v. Peoples Drug Stores, Inc. Plea of nolo contendere. Fine, \$10. (F. & D. no. 34071. Sample nos. 4616-B, 4617-B, 4626-B, 4627-B.)

This case involved candy that was short in weight.

On September 11 1935, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture filed in the police court an information against Peoples Drug Stores, Inc., Washington, D. C., alleging that on or about July 5 and July 9, 1934, the defendant had sold in the District of Columbia quantities of candy that was misbranded in violation of the Food and Drugs Act as amended. The article was labeled in part: "Delicious Candies Always Fresh and Pure * * * Peoples Drug Stores And Affiliated Corporations * * * [inconspicuously printed on side panel] 1 Lb. Net."

The article was alleged to be misbranded in that the statement "1 Lb. Net", borne on the box, was false and misleading and tended to deceive and mislead the purchaser since the net weight of the article was not 1 pound but was less; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 11, 1935, a plea of nolo contendere was entered on behalf of the defendant and the court imposed a fine of \$10.

M. L. WILSON, *Acting Secretary of Agriculture.*

26302. Adulteration of cheese. U. S. v. 405 Boxes of Cheese. Default decree of condemnation and destruction. (F. & D. no. 35685. Sample nos. 32042-B, 32043-B, 32044-B.)

This case involved an interstate shipment of cheese that contained filth.

On June 28, 1935, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 405 boxes of cheese at Chicago, Ill., alleging that the article had been shipped in interstate commerce in various shipments between the dates of March 27 and April 13, 1935, by the Northroad Cheese Factory from Watertown, Wis., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy animal substance.

On March 2, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26303. Misbranding of strawberry preserves. U. S. v. 45 Cartons of Assorted Preserves. Tried to the court. Judgement for the Government. Decree of condemnation and forfeiture. (F. & D. no. 36803. Sample nos. 44112-B to 44115-B, incl.)

This case involved preserves that were found to be deficient in fruit and to contain added acid and pectin.

On December 18, 1935, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 45 cartons of assorted preserves among which were a number of jars of alleged strawberry pre-

serves, charging that the article had been shipped in interstate commerce on or about September 23, 1935, by the White Gate Products Corporation from New York, N. Y., and that it was misbranded in violation of the Food and Drugs Act. The article was labeled in part: "Trump Brand Pure Strawberry Preserves * * * Eastern Wholesale Grocery Co. Distributors Providence, R. I."

The article was alleged to be misbranded in that the statement on the label, "Pure Strawberry Preserves", was false and misleading and tended to deceive and mislead the purchaser when applied to a product resembling a preserve but which contained less fruit than a preserve should contain; and for the further reason that it was an imitation of and was offered for sale under the distinctive name of another article.

On May 12, 1936, the White Gate Products Corporation having appeared as claimant and the case having come on for trial before the court without a jury, the court, on the evidence presented, found the product to be misbranded as charged in the libel. On October 28, 1936, judgment of condemnation and forfeiture was entered.

M. L. WILSON, *Acting Secretary of Agriculture.*

26304. Misbranding of canned peas. U. S. v. 650 Cases and 350 Cases of Canned Peas. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. & D. nos. 36892, 37088. Sample nos. 50531-B, 50532-B.)

These cases involved canned peas that fell below the standard established by this Department because of an excessive number of peas that were not immature, and that were not labeled to indicate that they were substandard.

On or about January 7 and January 20, 1936, the United States attorney for the District of New Jersey, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 1,000 cases of canned peas at Hoboken, N. J., alleging that the article had been shipped in interstate commerce on or about December 4, 1935, by G. L. Webster Co., Inc., from Cheriton, Va., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "New Boy Early June Peas * * * American Grocery Company Distributors Hoboken, N. J."

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food in that the peas were not immature, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below such standard.

On October 5, 1936, the G. L. Webster Co., Inc., having appeared as claimant, and having admitted the allegations of the libels and consented to the entry of a decree, a consolidated judgment of condemnation was entered and it was ordered that the product be released under bond to be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

26305. Misbranding of Lemonina. U. S. v. 1,200 Cartons of Lemonina Lemon Gallon-Ade. Default decree of condemnation and destruction. (F. & D. no. 36930. Sample no. 50628-B.)

This product was represented to be a base from which lemonade could be made but consisted of an acidulated, artificially colored, glucose sirup, flavored with citrus oils, containing a negligible amount, if any, of actual lemon juice.

On January 16, 1936, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,200 cartons of Lemonina at New York, N. Y., alleging that the article had been shipped in interstate commerce between the dates of June 15 and October 15, 1935, from Westfield, Mass., by the Lemonina Products Corporation, and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Lemonina Lemon Gallon-Ade * * * Lemonina Products Corporation, New York City."

The article was alleged to be misbranded in that the statement on the label, "Lemonina Lemon Gallon-Ade Makes One Gallon Delicious Beverage", was false and misleading and tended to deceive and mislead the purchaser in that it implied that the article was a base from which lemonade could be made, whereas it was not; and, further, that it was an imitation of and was offered for sale under the distinctive name of another article, i.e., it imitated a base of lemon sirup consisting of lemon juices and sugar from which lemonade could be made by the addition of water or of water and additional sugar.

On October 5, 1936, the Lemonina Products Corporation, the claimant, having withdrawn its answer, judgment of condemnation was entered and it was ordered that the product be destroyed and the bottles returned to the claimant and that the claimant pay costs of the proceedings.

M. L. WILSON, *Acting Secretary of Agriculture.*

26306. Misbranding and alleged adulteration of preserves. U. S. v. 36, 57, and 84 Jars of Preserves. Default decree of condemnation. Product delivered to charitable institutions. (F. & D. no. 37020. Sample nos. 44002-B, 44007-B, 44008-B.)

This case involved quince, loganberry, and blackberry preserves which contained added water; the blackberry also contained added pectin; the loganberry and blackberry were short-weight.

On February 3, 1936, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 177 jars of preserves, at Providence, R. I., alleging that the articles had been shipped in interstate commerce between the dates of October 16, 1935, and December 3, 1935, by the White Gate Products Corporation, from New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act.

The articles were labeled: "White Gate Pure Quince [or "Loganberry" or "Blackberry"] Preserves Net Wt. 2 Lbs. White Gate Products Corp. N. Y."

The articles were alleged to be adulterated in that water—and in the case of the blackberry preserves, also pectin—had been mixed and packed with the articles so as to reduce, lower, and injuriously affect their quality; and in that the articles had been mixed in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statements, "Pure Quince Preserves", "Pure Loganberry Preserves Net Wt. 2 Lbs", "Pure Blackberry Preserves Net Wt. 2 Lbs.", borne on the labels, were false and misleading and tended to deceive and mislead the purchaser when applied to products that contained moisture which should have been removed, a part of which also contained pectin and a part of which were short in weight. Misbranding was alleged for the further reason that the articles were imitations of and were offered for sale under the distinctive names of other articles. Misbranding of the loganberry and blackberry preserves was alleged for the further reason that they were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement was not correct.

On June 10, 1936, no claimant having appeared, judgment was entered finding the products misbranded and ordering that they be condemned and forfeited. They were distributed to various charitable institutions.

M. L. WILSON, *Acting Secretary of Agriculture.*

26307. Adulteration and misbranding of tomato juice. U. S. v. 200 Cases of Tomato Juice in Cans. Default decree of destruction. (F. & D. no. 37286. Sample no. 68703-B.)

This case involved tomato juice that contained excessive mold and that was short in volume.

On March 2, 1936, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 200 cases of canned tomato juice at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about November 9, 1935, by Robinson Canning Co., from Siloam Springs, Ark., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (can) "King of Ozarks Brand Tomato Juice Contents 10 Fl. Oz. Packed By Robinson Canning Co. Robinson, Ark."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

The article was alleged to be misbranded in that the statement on the label, "Contents 10 Fl. Oz.", was false and misleading and tended to deceive and mislead the purchaser when applied to a product in cans containing less than 10 fluid ounces; and in that it was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On July 21, 1936, no claimant having appeared and the court having found the article adulterated and misbranded, judgment was entered ordering that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26308. Misbranding of wine. U. S. v. 17 Cases of Alleged Apricot Wine, et al. Default decree of condemnation and destruction. (F. & D. no. 37318. Sample nos. 67445-B, 67446-B, 67447-B.)

This case involved alleged apricot, cherry, and peach wines that were found to consist of mixtures of grape wine, alcohol, and fruit flavors.

On March 5, 1936, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 24 cases of wines at Camden, N. J., alleging that the articles had been shipped in interstate commerce on or about December 3, 1935, by the Eastern Wine Corporation from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act. The articles were labeled in part: "Casa Blanca Fine Selected Vintage Apricot [or "Cherry" or "Peach"] Wine * * * We Guarantee the Contents of this package to be made from fresh fruits * * * Eastern Wine Corp. Tulare, Cal. New York, N. Y."

The articles were alleged to be misbranded in that the statements on the labels, "Apricot Wine", "Cherry Wine", "Peach Wine", and "We Guarantee the contents of this package to be made from fresh fruits", were false and misleading and tended to deceive and mislead the purchaser when applied to products consisting of mixtures of grape wine; alcohol; and apricot, cherry, or peach flavor; and in that they were imitations of and offered for sale under the distinctive names of other articles.

On April 27, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the products be delivered to the Treasury Department. On July 16, 1936, an amended decree was entered ordering that the products be destroyed.

M. L. WILSON, Acting Secretary of Agriculture.

26309. Adulteration of shredded coconut. U. S. v. 70 Packages of Shredded Coconut. Default decree of condemnation and destruction. (F. & D. no. 37324. Sample no. 65275-B.)

This case involved shredded coconut that was in part decomposed.

On March 7, 1936, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 70 packages of shredded coconut at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about May 2 and August 15, 1935, by the Far Eastern Manufacturing Co. from Brooklyn, N. Y., to Seattle, Wash., that it had been returned to Brooklyn, N. Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Femco Freshlike Sweetened Fancy Shred Coconut Manufactured by Far Eastern Mfg. Co., Brooklyn, New York."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On July 16, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, Acting Secretary of Agriculture.

26310. Adulteration of canned salmon. U. S. v. 95 Cases of Canned Salmon. Default decree of condemnation and destruction. (F. & D. no. 37364. Sample no. 52735-B.)

This case involved canned salmon that was in part decomposed.

On March 13, 1936, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 95 cases of canned salmon at Granite City, Ill., alleging that the article had been shipped in interstate commerce on or about December 7, 1935, by the Oceanic Sales Co., and the William W. McBride Co., from Seattle, Wash., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Kings Taste Pink Salmon * * * Lighthouse Packing Co. Point Roberts, Washington."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On September 29, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, Acting Secretary of Agriculture.

26311. Misbranding of canned corn. U. S. v. 650 Cases of Canned Corn. Product adjudged misbranded and released under bond to be relabeled. (F. & D. no. 37382. Sample no. 49287-B.)

This case involved canned corn of one of the broad kernel varieties which was of low quality and which was represented to be Country Gentleman little kernel corn of high quality.

On March 19, 1936, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 650 cases of canned corn at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about November 25, 1935 by Otto Billman & Co., Inc., from Morristown, Ind., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Ski-High Brand Country Gentleman Little Kernel Sugar Corn * * * High in Name and Quality. Packed by Otto Billman & Co., Morristown, Ind."

The article was alleged to be misbranded in that the statements on the label, "Country Gentleman Little Kernel Sugar Corn" and "High in * * * Quality", were false and misleading and tended to mislead and deceive the purchaser, since the product was canned corn of one of the broad-kernel varieties and was not Country Gentleman corn or little-kernel corn and was very low in quality; and in that it was offered for sale under the distinctive name of another article.

On October 30, 1936, the Missouri-Kansas Mercantile Co., Kansas City, Mo., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered finding the product misbranded and ordering that it be released under bond to be relabeled.

M. L. WILSON, *Acting Secretary of Agriculture.*

26312. Adulteration and misbranding of preserves. U. S. v. 117 Jars of Alleged Raspberry Preserves, et al. Default decree entered. Product delivered to charitable institutions. (F. & D. no. 37395. Sample nos. 60943-B, 60946-B, 60948-B, 60949-B, 60950-B, 60953-B, 60980-B.)

This case involved assorted preserves which were deficient in fruit. Portions of the article contained added pectin or added acid, or both added pectin and added acid.

On or about March 24, 1936, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 806 jars of assorted preserves at Waterbury, Conn., alleging that the articles had been shipped in interstate commerce in part on or about March 28, 1935, and in part on or about January 17, 1936, by the White Gate Products Corporation, from New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "White Gate * * * Pure Raspberry [or "Quince", "Blackberry", "Loganberry", or "Peach"] Preserves. White Gate Products Corp. N. Y."

The articles were alleged to be adulterated in that sugar, acid, or pectin, or a combination of said substances, had been mixed and packed therewith so as to reduce or lower their quality; in that mixtures of fruit and sugar containing less fruit and more sugar than preserves should contain, portions thereof also containing acid or pectin, or both acid and pectin, had been substituted for preserves which the articles purported to be; and in that the articles had been mixed in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statements, "Pure Raspberry Preserves", "Pure Quince Preserves", "Pure Blackberry Preserves", "Pure Loganberry Preserves", and "Pure Peach Preserves", borne on the labels, were false and misleading and tended to deceive and mislead the purchaser when applied to products resembling preserves but which contained less fruit than preserves should contain, and in that they were imitations of and were offered for sale under the distinctive names of other articles.

On July 13, 1936, no claimant having appeared, a general default was entered and it was ordered that the product be delivered to charitable institutions after removal of the labels.

M. L. WILSON, *Acting Secretary of Agriculture.*

26313. Adulteration of canned peas. U. S. v. 104 Cases of Canned Peas. Consent decree of condemnation and destruction. (F. & D. no. 87469. Sample no. 65055-B.)

This case involved canned peas that were infested with pea weevil.

On March 27, 1936, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 104 cases of canned peas at Spokane, Wash., alleging that the article had been shipped in interstate commerce on or about October 11, 1935, by the P. J. Burk Canning Co., from Athena, Oreg., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Fresh Flavor Brand Peas * * * Packed by P. J. Burk Canning Company, Inc. Athena, Oregon."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed and filthy vegetable substance.

On September 16, 1936, the P. J. Burk Canning Co., Milton, Oreg., having consented to the entry of a decree, judgment of condemnation was entered ordering that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26314. Adulteration of tomato puree. U. S. v. 317 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. & D. no. 37474. Sample no. 65059-B.)

This case involved tomato puree that contained excessive mold.

On March 27, 1936, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 317 cases of tomato puree at Spokane, Wash., alleging that the article had been shipped in interstate commerce on or about October 7, 1935, by Seiter's, Inc., Post Falls, Idaho, and charging adulteration in violation of the Food and Drugs Act. The article was labeled "Vesta Brand Tomato Puree * * * Distributed by the McClintock-Trunkey Co. Spokane, Wash."

On December 8, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26315. Misbranding of chocolate malt. U. S. v. 24 Cases of Chocolate Malt. Default decree of condemnation and destruction. (F. & D. no. 37500. Sample no. 65207-B.)

This product was represented to be chocolate malt containing an appreciable amount of skim milk and eggs. Examination showed that it was a mixture of sugar, cocoa, and corn starch, containing little or no malt and no appreciable amounts of skim milk and eggs, and that it was short in weight.

On March 31, 1936, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 24 cases of chocolate-flavored malt at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about February 4, 1936, by General Desserts Corporation, from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Net Wt. 7¼ Oz. Lovely Chocolate-Flavored Malt Lovely Chocolate Malt is a Pure Food Concentrate Containing Malt, Cane Sugar, Cocoa, Skimmed Milk and Eggs. * * * General Desserts Corp. New York, N. Y."

The article was alleged to be misbranded in that the statements on the labels, "Chocolate-Flavored Malt * * * Chocolate Malt * * * Containing Malt * * * Skimmed Milk and Eggs * * * "Net Wt. 7¼ Oz.", were false and misleading and tended to deceive and mislead the purchaser when applied to the product which was a mixture of sugar, cocoa, and cornstarch, containing little or no malt and no appreciable amount of skimmed milk and eggs and which was short in weight; and in that it was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On September 24, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26316. Misbranding of canned tomatoes. U. S. v. 17 Cases of Canned Tomatoes. Default decree of condemnation and destruction. (F. & D. no. 37501. Sample no. 29897-B.)

This case involved canned tomatoes which fell below the standard established by this Department, which were not labeled to indicate that they were substandard, and which were short in weight.

On April 2, 1936, the United States attorney for the Middle District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 17 cases of canned tomatoes at Union Springs, Ala., alleging that the article had been shipped in interstate commerce on or about August 23, 1935, by the Pulaski Canning Co., from Pulaski, Tenn., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Pulaski Brand Hand Packed Tomatoes Contents 1 Lb. 3 Ozs. Packed by Pulaski Canning Co. Pulaski, Tenn."

The article was alleged to be misbranded in that the statement on the label, "Contents 1 Lb. 3 Ozs.," was false and misleading and tended to deceive and mislead the purchaser when applied to a product in cans containing less than 1 pound 3 ounces; in that it was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct; and in that it was canned food and fell below the standard of quality, condition, and fill of container promulgated by the Secretary of Agriculture for such canned food, since it did not consist of whole or large pieces, and it was not normally colored and was slack-filled because of excessive head space and its package or label did not bear a plain and conspicuous label prescribed by the Secretary of Agriculture indicating that it fell below such standard.

On September 11, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26317. Adulteration of currants. U. S. v. 50 Cases of Currants. Decree of condemnation. Product ordered released under bond. (F. & D. no. 37502. Sample no. 65282-B.)

This case involved currants that were in part insect-infested.

On March 30, 1936, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 50 cases of currants at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about November 18 and 28, 1935, by the Otzen Packing Co., from San Francisco, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Otzen's Imported Grecian Currants. Packed by Otzen Packing Co. San Francisco, Calif."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On September 4, 1936, the Associated Grocers Co-op., Seattle, Wash., having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered, and it was ordered that the product be released under bond conditioned that it be washed in order to bring it into compliance with the law.

M. L. WILSON, *Acting Secretary of Agriculture.*

26318. Adulteration and misbranding of preserves. U. S. v. 8½ Cases of Assorted Preserves. Default decree of condemnation and destruction. (F. & D. no. 37512. Sample nos. 59124-B, 59125-B, 59126-B.)

This case involved raspberry preserves that contained added water and pectin and less fruit and more sugar than a standard preserve should contain.

On May 4, 1936, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of eight and one-half cases of assorted preserves at Pittsburg, Kans., alleging that the articles had been shipped in interstate commerce on or about August 10, 1935, by Kansas City Foods, Inc., from Kansas City, Mo., and charging adulteration and misbranding with respect to a portion thereof in violation of the Food and Drugs Act. The articles were labeled in part: "Pure Raspberry [or "Pineapple" or "Strawberry"] Preserves Net Wt. 1 Lb. Packed by Kansas City Syrup & Preserving Co. Kansas City, Mo. Gold Medal Brand."

The raspberry preserves contained in the assorted preserves were alleged to be adulterated in that a mixture of sugar, water, and pectin had been mixed and packed with the article so as to reduce or lower its quality; in that a mixture of fruit, sugar, water, and pectin, containing less fruit and more sugar than a preserve should contain had been substituted for preserves, which the article purported to be, and in that a mixture of sugar, water, and pectin had been mixed with the article in a manner whereby its inferiority had been concealed.

The raspberry preserves were alleged to be misbranded in that the statement on the label, "Pure Raspberry Preserves", was false and misleading and tended to deceive and mislead the purchaser as applied to an article which contained less fruit than a preserve should contain, the deficiency in fruit having been concealed by the addition of water, pectin and excess sugar, and in that it was an imitation of, and was offered for sale under the distinctive name of another article.

On July 8, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26319. Adulteration and misbranding of peach preserves. U. S. v. 5½ Cases of Peach Preserves. Default decree of forfeiture. Product turned over to public institution. (F. & D. no. 37516. Sample no. 55636-B.)

This case involved peach preserves that contained less fruit and more sugar than standard preserves and contained added acid.

On April 7, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of five and one-half cases of peach preserves at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about October 31, 1934, by Preserves & Honey, Inc., from St. Louis, Mo., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Turkey Red Brand Pure Peach Preserves * * *. Distributed by Merchants Wholesale Grocery Co., Chicago, Ill."

The article was alleged to be adulterated in that a mixture of sugar and acid had been mixed and packed with the article so as to reduce or lower its quality; in that a mixture of fruit, sugar, and acid, containing less fruit and more sugar than a preserve had been substituted for preserves, which the article purported to be; and in that the article had been mixed in a manner whereby inferiority was concealed.

The article was alleged to be misbranded in that the statement on the label, "Pure Peach Preserves", was false and misleading and tended to deceive and mislead the purchaser when applied to a product resembling preserves, the deficiency in fruit having been concealed by the addition of acid and excess sugar, and in that it was an imitation of and offered for sale under the distinctive name of another article.

On July 15, 1936, no claimant having appeared, judgment of forfeiture was entered and it was ordered that the product be turned over to a public institution.

M. L. WILSON, *Acting Secretary of Agriculture.*

26320. Adulteration and misbranding of preserves. U. S. v. 8 Cartons of Alleged Damson Preserves and 10 Cartons of Alleged Apricot Preserves. Default decree of condemnation. Product ordered delivered to a charitable institution. (F. & D. no. 37566. Sample nos. 62926-B, 62928-B.)

This case involved preserves that contained less fruit and more sugar than standard preserves. The damson variety contained added water and the apricot variety contained added acid and pectin.

On April 9, 1936, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, a libel praying seizure and condemnation of 18 cartons of preserves at Washington, D. C., alleging that the articles had been shipped in interstate commerce on or about January 25, 1936, by Crosse & Blackwell Co., from Baltimore, Md., and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part: "Crosse & Blackwell Pure Damson Preserves [or Pure Apricot Preserves]" * * * Crosse & Blackwell, Baltimore, New York, London."

The articles were alleged to be adulterated in that sugar and water, in the case of the damson preserves, and sugar, acid, and pectin, in the case of the apricot preserves, had been mixed and packed with the articles so as to reduce or lower their quality or strength; in that mixtures of fruit and sugar containing less fruit and more sugar than preserves should contain, the damson preserves containing water which should have been removed by boiling and the apricot preserves containing acid and pectin, had been substituted for preserves which they purported to be; and in that the articles had been mixed in a manner whereby inferiority was concealed.

The articles were alleged to be misbranded in that they were imitations of and were offered for sale under the distinctive names of other articles. They were alleged to be misbranded further in that the statements on the labels, "Pure Damson Preserves" and "Pure Apricot Preserves", were false and misleading and tended to deceive and mislead the purchaser when applied to products resembling preserves but which contained less fruit than preserves should contain.

On August 11, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the products be turned over to a charitable institution.

M. L. WILSON, *Acting Secretary of Agriculture.*

26321. Adulteration of canned salmon. U. S. v. 1,011 Cases and 6,039 Cases of Canned Salmon. Consent decree of condemnation and forfeiture. Portion of product released unconditionally; remainder released under bond. (F. & D. nos. 37554, 37567. Sample nos. 67032-B to 67036-B, incl., 67040-B to 67048-B, incl.)

This case involved canned salmon that was in part decomposed.

On April 6 and April 14, 1936, the United States attorney for the District of Oregon, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 7,050 cases of canned salmon at Portland, Oreg., alleging that the article had been shipped in interstate commerce in various lots between the dates of February 13 and July 19, 1935, by the New England Fish Co. from Pillar Rock, Wash., and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled in part: "Pillar Rock Brand Fancy Columbia River Salmon Spring Pack." The remainder was unlabeled.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On November 17, 1936, the New England Fish Co., having appeared as claimant and having consented to the entry of a decree, a consolidated judgment of condemnation was entered. The court, having found that a portion of the product was not adulterated, ordered that the said portion be released unconditionally and that the remainder be released under bond conditioned that the good cans be separated from the bad cans and disposed of only in compliance with the law.

M. L. WILSON, *Acting Secretary of Agriculture.*

26322. Adulteration and misbranding of olive oil. U. S. v. 84, 19, and 14 Cartons, et al., of Olive Oil. Decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 37584. Sample nos. 65667-B, 65668-B, 65669-B, 66120-B, 66121-B, 66122-B.)

This case involved alleged olive oil that was adulterated with tea-seed oil.

On April 13, 1936, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 117 cartons of alleged olive oil at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about March 21, 1936, by L. Raduazzo, from New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was labeled in part: "Caldarone Brand Imported Pure Olive Oil."

The article was alleged to be adulterated in that tea-seed oil had been mixed and packed therewith so as to reduce or lower its quality or strength and in that tea-seed oil had been substituted in whole or in part for olive oil, which the article purported to be.

The article was alleged to be misbranded in that the following statements and designs appearing upon the labels were false and misleading and tended to deceive and mislead the purchaser when applied to a product containing tea-

seed oil: (Main panels, 1-gallon and half-gallon cans) "Imported Pure Olive Oil", "Olio Puro D'Oliiva Importato"; (1-quart cans) "Pure Olive Oil Imported from Italy", "Olio Puro D'Oliiva Importato Dall' Italia"; (side panels, all cans) "The olive oil contained in this can is pressed from the very best olive fruit, * * * guaranteed to be absolutely pure under any chemical analysis. The consumer is advised to destroy this can as soon as empty, in order to prevent others from refilling it with adulterated oil. L'olio che contiene questa latta e ottenuto dal migliore frutto di oliva confezionato igienicamente e garantito puro a qualsiasi analisi chimica. Il consumatore e pregato di distruggere la latta appena vuota per evitare che altri ne facciano uso con olio adulterato"; (tops of all cans) "Imported Olive Oil"; (1-gallon and half-gallon cans) design of olive branches bearing olives.

On September 8, 1936, A. J. Capone Co., Inc., having appeared as claimant for the article and having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the article be released under bond conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

26323. Adulteration and misbranding of preserves. U. S. v. 17 Cases of Apple Peach Preserves and 20 Cases of Apple Strawberry Preserves. Decree ordering release of products under bond to be relabeled. (F. & D. no. 37589. Sample nos. 29895-B, 29896-B.)

This case involved apple peach preserves that contained less fruit and more sugar than standard preserves and that contained added acid and pectin. The apple strawberry preserves also contained water which should have been boiled off in the process of manufacture.

On April 15, 1936, the United States attorney for the Middle District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 37 cases of preserves at Montgomery, Ala., alleging that the articles had been shipped in interstate commerce on or about September 7, 1935, by the Goodwin Preserving Co., from Louisville, Ky., and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part: "Alabama Maid Brand Pure Apple Peach Preserves [or "Pure Apple Strawberry Preserves"] * * * Distributed by Schloss & Kahn Grocery Co., Montgomery, Ala."

The articles were alleged to be adulterated in that sugar, acid, and pectin, in the case of the apple peach preserves, and sugar, acid, pectin, and water, in the case of the apple strawberry preserves, had been mixed and packed with the articles so as to reduce or lower their quality; in that mixtures of fruit, sugar, acid, and pectin, in the case of apple peach preserves, and fruit, sugar, acid, pectin, and water, in the case of apple strawberry preserves, containing less fruit and more sugar than a preserve should contain had been substituted for preserves, which the articles purported to be; and in that they had been mixed in a manner whereby inferiority had been concealed.

The articles were alleged to be misbranded in that the statements on the labels, "Pure Apple Peach Preserves" and "Pure Apple Strawberry Preserves", were false and misleading and tended to deceive and mislead the purchaser when applied to products resembling preserves but which contained less fruit than a preserve should contain; and in that they were imitations of and offered for sale under the distinctive names of other articles.

On July 28, 1936, Schloss & Kahn Grocery Co., Montgomery, Ala., having appeared as claimant, having admitted the material allegations of the libel, and having filed a bond, judgment was entered ordering that the products be released to be relabeled.

M. L. WILSON, *Acting Secretary of Agriculture.*

26324. Adulteration of canned salmon. U. S. v. 25 Cases of Canned Salmon. Default decree of condemnation and destruction. (F. & D. no. 37611. Sample no. 66850-B.)

This case involved canned salmon which was in part decomposed.

On April 16, 1936, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 25 cases of canned salmon at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about September 14, 1935, from Valdez, Alaska, by the First Bank of Valdez, per A. S. Day (packer, A. S. Day, North Pacific Sea Foods), and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On September 24, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26325. Adulteration of canned salmon. U. S. v. 79 Cases of Canned Salmon. Consent decree of condemnation. Product released under bond. (F. & D. no. 37613. Sample no. 73209-B.)

This case involved canned salmon that was in part decomposed.

On April 20, 1936, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 79 cases of canned salmon at Ontario, Oreg., alleging that the article had been shipped in interstate commerce on or about August 27, 1935, by the Oceanic Sales Co., from Seattle, Wash., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cases) "First Call Brand Alaska Pink Salmon. Packed by Deep Sea Salmon Co., Seattle."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On July 13, 1936, the Deep Sea Salmon Co., Seattle, Wash., claimant, having admitted the allegations in the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it should not be disposed of in violation of the law.

M. L. WILSON, *Acting Secretary of Agriculture.*

26326. Adulteration of canned peas. U. S. v. 102 Cases of Canned Garden Peas. Default decree of condemnation and destruction. (F. & D. no. 37622. Sample nos. 59145-B, 68657-B.)

This case involved canned peas that were partially decomposed.

On April 20, 1936, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 102 cases of canned peas at Oklahoma City, Okla., alleging that the article had been shipped in interstate commerce on or about August 14, 1935, by the Smith Canning Co., from Clearfield, Utah, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Cabro Brand Garden Peas * * * Packed for Carroll-Brough-Robinson Oklahoma City, Enid, Okla."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On September 25, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26327. Misbranding of canned apricots. U. S. v. 63 Cases of Canned Apricots. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 37629. Sample no. 73211-B.)

This case involved apricots that fell below the standard established by this Department and which were not labeled to indicate that they were substandard.

On April 22, 1936, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 63 cases of canned apricots at Ontario, Oreg., alleging that the article had been shipped in interstate commerce on or about August 21, 1935, by the Idaho Canning Co., from Payette, Idaho, and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Cans) "Seven Devils Brand Unsweetened Apricots * * * Packed by Idaho Canning Co. Ltd. Payette, Idaho."

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food, in that the fruit was not normally colored because of the presence of some green pieces, and in that they were not uniform in size since the weight of the largest piece was more than 80 percent in excess of the weight of the smallest piece in the can, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary of Agriculture indicating that it fell below such standard.

On September 14, 1936, the Idaho Canning Co., having appeared as claimant and having consented to the entry of a decree, judgment of condemnation was

entered and it was ordered that the product be released under bond to be relabeled.

M. L. WILSON, *Acting Secretary of Agriculture.*

26328. Adulteration of tullibeas. U. S. v. 206 Boxes of Tullibeas. Default decree of condemnation and destruction. (F. & D. no. 37664. Sample no. 61036-B.)

This case involved tullibeas infested with worms.

On April 6, 1936, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 206 boxes of tullibeas at Brooklyn, N. Y., alleging that the article had been shipped from Canada into the State of New York, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Product of Canada."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance and in that it consisted of portions of animals unfit for food.

On September 18, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26329. Adulteration of tullibeas. U. S. v. 280 Boxes, et al., of Tullibeas. Default decree of condemnation and destruction. (F. & D. nos. 37665, 37666, 37667, 37668. Sample nos. 61102-B to 61105-B, incl.)

These cases involved imported tullibeas that were infested with worms.

On April 14, 1936, the United States attorney for the District of New Jersey, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 325 boxes of tullibeas at Newark, N. J., alleging that the article had been shipped sometime in February and March 1936, from the Dominion of Canada—the city from which shipped, the shipper and the exact date of shipment being unknown—and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Product of Canada."

The article was alleged to be adulterated in that it consisted in part of a filthy animal substance and of portions of animals unfit for food.

On July 24, 1936, no claimant having appeared, judgments of condemnation were entered and it was ordered that the produce be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26330. Misbranding of salad oil. U. S. v. 5 Cases of Table Oil. Default decree of condemnation. (F. & D. no. 37689. Sample no. 56512-B.)

This product consisted largely of cottonseed oil with a small amount of olive oil present and was labeled to create the impression that it was olive oil. It was also short in volume.

On April 27, 1936, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of five cases of table oil at Milwaukee, Wis., alleging that the article had been shipped in interstate commerce on or about January 22, 1936, by the Chicago Macaroni Co., from Chicago, Ill., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "One Gallon Italy Brand Table Oil. An excellent composition of fifteen percent imported olive oil and eighty-five percent of other vegetable oils Packed by A. Morici & G. Matalone Co., Chicago, Ill."

The article was alleged to be misbranded in that the brand name "Italy", the statement "Table Oil", and the designs of foreign medals on the labels, were false and misleading and tended to deceive and mislead the purchaser in that they implied that the product was olive oil; in that the statement on the label, "One Gallon", was false and misleading and tended to deceive and mislead the purchaser when applied to a product in cans containing less than 1 gallon; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On June 19, 1936, no claimant having appeared, judgment of condemnation was entered ordering that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26331. Adulteration of canned salmon. U. S. v. 220 Cases of Canned Salmon. Consent decree entered. Product released under bond. (F. & D. 37690. Sample nos. 73223-B, 73252-B.)

This case involved canned salmon that was in part decomposed.

On April 29, 1936, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 220 cases of salmon at Boise, Idaho, alleging that the article had been shipped in interstate commerce on or about September 12, 1935 by the Washington Fish & Oyster Co., from Seattle, Wash., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Bay Beauty Brand Select Alaska Pink Salmon."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On June 13, 1936, the Washington Fish & Oyster Co., having appeared as claimant and having consented to the entry of a decree, judgment was entered ordering that the product be released under bond conditioned that it should not be sold or disposed of in violation of the Food and Drugs Act.

M. L. WILSON, *Acting Secretary of Agriculture.*

26332. Adulteration of canned shrimp. U. S. v. 160, 25, and 275 of Canned Shrimp. Default decrees of condemnation and destruction. (F. & D. nos. 37696, 37697, 37698. Sample no. 62037-B.)

These cases involved interstate shipments of canned shrimp that was decomposed.

On April 29, 1936, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 460 cases of canned shrimp at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about February 23 1936, by Rice Bros. Packing Co. (Acme Packing Co.), from Apalachicola, Fla., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Rice Bros. Fancy Florida Shrimp * * * Rice Bros. Packing Co. Packers Apalachicola, Florida."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed animal substance.

On October 3, 1936, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26333. Adulteration of lard substitute. U. S. v. 20 Cans and 95 Tubs of Lard Substitute. Decree of condemnation. Product ordered released under bond. (F. & D. no. 37717. Sample no. 68489-B.)

This case involved a lard substitute that was damaged with floodwater.

On May 7, 1936, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 20 cans and 95 tubs of lard substitute at Columbus, Ohio, alleging that the article had been shipped in interstate commerce on or about April 30, 1936 by Capital City Products Co., from Brightwood, Mass., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "B. B. S. Bakers Shortening * * * Manufactured by the Capital City Products Co., Columbus, Ohio"; (tubs) "Capital City Food Columbus Ohio."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal or vegetable substance.

On June 30, 1936, the Capital City Products Co., Columbus, Ohio, having appeared as claimant, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it should not be disposed of in violation of the Food and Drugs Act. The product was used in the manufacture of soap.

M. L. WILSON, *Acting Secretary of Agriculture.*

26334. Misbranding of olive oil. U. S. v. 12 Dozen Bottles of Olive Oil. Default decree of condemnation and destruction. (F. & D. no. 37718. Sample no. 59495-B.)

This case involved olive oil that was short in volume.

On or about June 10, 1936 the United States attorney for the District of Arizona, acting upon a report by the Secretary of Agriculture, filed in the

district court a libel praying seizure and condemnation of 12 dozen bottles of olive oil at Phoenix, Ariz., alleging that the article had been shipped in interstate commerce on or about April 29, 1936, by the Superior Laboratory from Los Angeles, Calif., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Bottle) "Three Star Pure Virgin Olive Oil USP One Pint Pacific Pharmacal Laboratories Los Angeles Calif."

The article was alleged to be misbranded in that the statement on the label, "One Pint", was false and misleading and tended to deceive and mislead the purchaser since it applied to a product in bottles containing less than 1 pint; and in that it was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was incorrect.

On or about September 15, 1936, no claimant having appeared judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26335. Adulteration of flour. U. S. v. 2,000 Sacks of Flood-Damaged Flour. Consent decree of condemnation. Product released under bond. (F. & D. no. 37737. Sample no. 61882-B.)

This case involved flour that was moldy and that was damaged by flood-water.

On May 16, 1936, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 2,000 sacks of flood-damaged flour at Hartford, Conn., alleging that the article had been shipped in interstate commerce on or about March 14, 1936, by the Noblesville Milling Co., from Noblesville, Ind., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Finest F N Stores Fancy Flour First National Stores, Inc., Boston Distributors Superfine 24½ Lbs. Net Bleached."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed vegetable substance.

On July 20, 1936, the Tidewater Milling Co., Brooklyn, N. Y., claimant, having admitted the allegations of libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be disposed of only in compliance with the law, State and Federal.

M. L. WILSON, *Acting Secretary of Agriculture.*

26336. Misbranding of canned shrimp. U. S. v. 83 Cases of Canned Shrimp. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 37749. Sample no. 65638-B.)

This case involved canned shrimp which was represented to have been produced under supervision of the Food and Drug Administration of this Department, but which was not.

On May 19, 1936, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 83 cases of canned shrimp at Worcester, Mass., alleging that the article had been shipped in interstate commerce on or about January 10, 1936, by the Deer Island Fish & Oyster Co., from Mobile, Ala., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Clover Farm Brand Production Supervised by U. S. Food and Drug Administration Shrimp * * * Clover Farm Stores, Distributors National Headquarters Cleveland, Ohio."

The article was alleged to be misbranded in that the statement on the label, "Production Supervised by U. S. Food and Drug Administration", was false and misleading and tended to deceive and mislead the purchaser since production had not been supervised by the United States Food and Drug Administration.

On July 13, 1936, the Deer Island Fish & Oyster Co., Bayou La Batre, Ala., having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled.

M. L. WILSON, *Acting Secretary of Agriculture.*

26337. Adulteration of nougat. U. S. v. 10 Cases, 8 Cases, and 7 Cases of Nougat. Default decrees of condemnation and destruction. (F. & D. no. 37758. Sample nos. 42229-B, 42249-B, 42250-B.)

This case involved nougat-type confectionery that was undergoing fermentation and was rancid and moldy.

On May 22, 1936, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 25 cases of nougat-type confectionery at New York City, N. Y., alleging that the article had been shipped by Vicente Rossello, from Barcelona, Spain, having arrived at New York on or about December 9, 1935, and charging adulteration in violation of the Food and Drugs Act. The article was labeled variously in part: "Turron Jijona [or "Turron Yema" or "Turron Mazapan"] Turrones Extra-Pinos * * * Nougat Made in Spain * * * Conservadas Vicente Rossello Palma de Mallorca."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On June 29, 1936, no claimant having appeared, judgments of condemnation were entered ordering that product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26338. Adulteration of flour. U. S. v. 107 Sacks and 15 Sacks of Flood-Damaged Flour. Default decree of condemnation and destruction. (F. & D. no. 37768. Sample nos. 65691-B, 65692-B.)

This case involved flour that was contaminated by floodwater.

On May 28, 1936, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 122 sacks of flood-damaged flour at Springfield, Mass., alleging that the article had been shipped in interstate commerce on or about March 15, 1936, by Washburn Crosby Co., Inc., from Buffalo, N. Y., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On August 31, 1936, no claimant having appeared, judgment of condemnation was entered ordering that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26339. Adulteration and misbranding of apricot juice. U. S. v. 465 Cases of Apricot Juice. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 37771. Sample no. 73853-B.)

This case involved apricot juice that contained added water in excess of the amount indicated by the statement on the label, "sugar syrup added."

On June 3, 1936, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 465 cases of apricot juice at Denver, Colo., shipped by Richmond-Chase Co., alleging that the article had been shipped in interstate commerce on or about March 26, 1936, and April 20, 1936, from San Jose, Calif., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Solitaire Apricot Juice * * * Juice made from fresh tree ripened apricots with sugar syrup added. The Morey Mercantile Co., Distributors, Denver, Colorado."

The article was alleged to be adulterated in that water had been mixed and packed with the article so as to reduce or lower its quality or strength, and in that water had been substituted wholly or in part for the article.

The article was alleged to be misbranded in that the statements on the label, "Apricot Juice" and "Juice made from fresh tree ripened apricots with sugar syrup added", were false and misleading and tended to deceive and mislead the purchaser when applied to a product containing added water in excess of that indicated by the statement "sugar syrup added."

On June 26, 1936, the Clark-Thurber Brokerage Co., having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

26340. Adulteration of olives. U. S. v. 2 Barrels of Ripe Olives. Default decree of condemnation and destruction. (F. & D. no. 37772. Sample no. 59226-B.)

This case involved olives that contained an excessive quantity of arsenic.

On June 6, 1936, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 2 barrels of ripe olives at Omaha, Nebr., alleging that the article had been shipped on or about November 20, 1934, by the Lindsay Ripe Olive Co., of Lindsay, Calif., from Oakland, Calif., and charging adulteration in violation of the Food and Drugs Act. The barrels containing the article were stenciled in part: "Lindsay Brand Sicilian Style California Olives * * * Packed by Lindsay Ripe Olive Company, Lindsay, California."

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, arsenic, which might have rendered it injurious to health.

On July 16, 1936, no answer having been filed, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26341. Adulteration and misbranding of olive oil. U. S. v. 22 Half-Gallon Cans of Olive Oil. Default decree of destruction. (F. & D. no. 37773. Sample no. 68282-B.)

This case involved olive oil that was adulterated with tea-seed oil and that was short in volume.

On or about June 16, 1936, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 22 half-gallon cans of alleged olive oil at Columbus, Ohio, alleging that the article had been shipped in interstate commerce on or about May 5, 1936, by Moscahlades Bros., Inc., from New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Half Gallon Elephant Brand."

The article was alleged to be adulterated in that tea-seed oil had been mixed and packed therewith so as to reduce or lower its quality or strength, and had been substituted in whole or in part for olive oil, which the article purported to be.

The article was alleged to be misbranded in that the following statements and designs appearing upon the label were false and misleading and tended to mislead and deceive the purchaser when applied to a product containing tea-seed oil: (Design of olive branch and olives) "Imported Virgin Olive Oil * * * Pure Olio d'Oliiva Vergine * * * The olive oil contained in this can is pressed from fresh picked selected olives. It is guaranteed to be absolutely pure under chemical analysis and is highly recommended for table use and medicinal purposes. * * * L'Olio di oliva che questa latta contiene, e prodotto da olive accuratamente scelte e garantito di essere assolutamente puro sotto qualunque analisi chimica. Esso e altamente raccomandato tanto per uso da tavola come per uso medicinale"; in that the statement on the label, "Half Gallon", was false and misleading and tended to mislead and deceive the purchaser when applied to an article in cans containing less than one-half gallon; in that it was offered for sale under the distinctive name of another article, namely, olive oil; and in that it was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package since the statement made was incorrect.

On August 13, 1936, no claimant appearing, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26342. Adulteration and misbranding of Oertels 12-2 Ale. U. S. v. 9 Cases of Oertels 12-2 Ale. Default decree of condemnation and destruction. (F. & D. no. 37801. Sample no. 68541-B.)

This case involved ale containing less alcohol than indicated by the labeling.

On April 9, 1936, the United States attorney for the Middle District of Tennessee, acting upon a report by an official of the State of Tennessee, filed in the district court a libel praying seizure and condemnation of nine cases of ale at Nashville, Tenn., alleging that the article had been shipped in interstate commerce on or about March 4, 1936, by the Oertel Co., from Louisville, Ky., and

charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Oertels 12-2 Ale Sparkling."

The article was alleged to be adulterated because a beverage containing less than 12½ percent of alcohol had been substituted for the article described on the label.

The article was alleged to be misbranded in that it was labeled "Oertels 12-2 Ale Sparkling" so as to deceive and mislead the purchaser, since analysis showed that it contained less than 5 percent of alcohol by weight.

On July 22, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26343. Adulteration and misbranding of butter. U. S. v. 5 Cases of Butter. Default decree of condemnation and destruction. (F. & D. no. 37805. Sample no. 45547-B.)

This case involved butter that was deficient in milk fat and short in weight.

On March 21, 1936, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of five cases of butter at Butte, Mont., alleging that the article had been transported in interstate commerce on or about February 18, 1936, by Newell J. Olsen, trucker, of Butte, Mont., from Rexburg, Idaho, and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Wrapper) "Banquet Better Butter * * * Guaranteed by Nelson-Ricks Creamery Co. General Offices Salt Lake City, Utah One Pound Net When Packed."

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat, as provided by the act of March 4, 1923.

The article was alleged to be misbranded in that it was labeled "Butter" which was false and misleading as it contained less than 80 percent of milk fat; in that it was labeled "One Pound Net When Packed", which was false and misleading as the package contained less than that quantity; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity, stated on the package was not correct.

On October 22, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26344. Adulteration and misbranding of apple cider vinegar. U. S. v. 23 Cases, et al., of Apple Cider Vinegar. Default decrees of condemnation and destruction. (F. & D. nos. 37815, 37829, 37830. Sample nos. 51547-B, 51557-B, 51558-B.)

These cases involved apple vinegar cider that was deficient in acid and contained excessive alcohol. A portion was short in volume.

On June 13 and July 2, 1936, the United States attorney for the Eastern District of Virginia, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 135 cases of apple cider vinegar at Richmond, Va., alleging that the article had been shipped in interstate commerce on or about May 5, May 11, May 13, May 21, and May 26, 1936, by Ridgeville Cider & Vinegar Co., from Baltimore, Md., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Pure Apple Cider Vinegar Log Cabin made from apples only manufactured and guaranteed by Interstate Fruit Product Co., Home Office Baltimore, Maryland." The bottles were labeled further, variously: "Contents 12 Fl. Oz. Full Strength"; "1 Pint 8 Oz. Full Strength"; "Contents 1 pint. 8 Oz. Full W'G'T * * * Reduced to 4%"; "Contents 1 Quart Full Strength."

The article was alleged to be adulterated in that a substance deficient in acid and containing excessive alcohol had been mixed and packed therewith so as to reduce or lower its quality or strength and had been substituted in whole or in part for apple cider vinegar, which the article purported to be.

The article was alleged to be misbranded in that the following statements appearing in the labeling were false and misleading and tended to deceive and mislead the purchaser: (All sizes) "Apple Cider Vinegar made from Apples Only"; (12-ounce size) "Full Strength"; (1½-pint size) "Contents 1 Pint 8

Ozs. * * * Full Strength", or "Contents 1 Pt. 8 Ozs. * * * Full W'G'T. Guaranteed * * * reduced to 4%." The article in the 1½-pint bottles was alleged further to be misbranded in that it was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the packages since the quantity stated was not correct.

On August 27, 1936, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26345. Adulteration of yeast. U. S. v. 40 Cases, Each Containing 50 Bricks of Yeast. Default decree of destruction. (F. & D. no. 37818. Sample no. 68761-B.)

This case involved yeast that was moldy, dirty, and contaminated with wild yeasts.

On June 16, 1936, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 40 cases, each containing 50 bricks of yeast, at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about May 20, 1936, by Food Distributing, from Chicago, Ill., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cases) "A1 Wt 52# * * * W. Meyers * * * Chicago, Illinois, * * * To Chas. Stodsky % U. S. Cold Storage, Kansas City, Missouri."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed vegetable substance.

On July 21, 1936, no claimant having appeared and the court having found the said article adulterated, judgment was entered ordering that it be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26346. Misbranding of dog and cat food. U. S. v. 30 Cases of Dog and Cat Food. Default decree of condemnation and destruction. (F. & D. no. 37826. Sample no. 50002-B.)

This product was represented to contain 9.55 percent of protein, 2.10 percent of fat, and not more than 0.63 percent of crude fiber. It contained less protein and fat and more crude fiber than so represented, a sample having been found to contain 6.50 percent of protein, 1.35 percent of fat, and 1.76 percent of crude fiber.

On or about June 23, 1936, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 30 cases of dog and cat food at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about May 27, 1936, by the Atlas Canning Co., Inc., from Glendale, Long Island, N. Y., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Satin Quality Dog & Cat Food * * * Maryland Grocery Co. Baltimore, Md. Distributors."

The article was alleged to be misbranded in that the statements, "Protein 9.55 Min. Fat 2.10 Min. Crude Fibre 0.63 Max.", borne on the label, were false and misleading and tended to deceive and mislead the purchaser.

On November 20, 1936, no claimant having appeared, judgment of condemnation was entered, and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26347. Misbranding of preserves, jam, and marmalade. U. S. v. 100 Cases of Preserves, Jam, and Marmalade. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 37827. Sample no. 71162-B.)

This case involved miscellaneous preserves, jam, and marmalade that were short in weight.

On July 2, 1936, the United States attorney for the District of Nevada, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 100 cases of miscellaneous preserves, jam, and marmalade, at Reno, Nev., alleging that the articles had been shipped in interstate commerce on or about April 30, 1936, by the Tea Garden Products Co., from San Francisco, Calif., and charging misbranding in violation of the Food and Drugs Act as amended. The articles were labeled in part: "Tea Garden Strawberry Preserves [etc.] Tea Garden Products Co., San Francisco, Portland, Seattle, Net Weight 2 Lbs. 3 Ozs."

The articles were alleged to be misbranded in that the statement on the labels, "Net Weight 2 Lbs. 3 Ozs.", was false and misleading and tended to deceive and mislead the purchaser when applied to products that were short in weight; and in that the quantity of contents was not plainly and conspicuously marked on the outside of the packages, since the quantity stated was not correct.

On July 25, 1936, the Tea Garden Products Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the products be released under bond to be relabeled.

M. L. WILSON, *Acting Secretary of Agriculture.*

26348. Misbranding of chocolate-flavored malted milk. U. S. v. 17 Cases of Chocolate-Flavored Malted Milk. Default decree of condemnation and destruction. (F. & D. no. 37828. Sample no. 72092-B.)

This case involved a product that contained less malted milk than should be contained in chocolate-flavored malted milk, which it was represented to be.

On June 23, 1936, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 17 cases of chocolate-flavored malted milk at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about May 23, 1936, by Circle Foods, Inc., from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "'Bo-Peep' Chocolate Flavored Malted Milk * * * Circle Foods, Inc. New York, N. Y. Distributors."—

The article was alleged to be misbranded in that the statements, "Chocolate Flavored Malted Milk * * * absolutely pure * * * guaranteed to comply with all Pure Food Laws. * * * Develops sturdy bodies * * * Rich in Vitamins", borne on the label, were false and misleading and tended to deceive and mislead the purchaser when applied to products containing only 15.6 percent of malted milk.

On August 24, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26349. Adulteration and misbranding of dog and cat food. U. S. v. 200 Cases, et al. of Dog and Cat Food. Default decrees of condemnation and destruction. (F. & D. nos. 37811, 37825, 37833, 37834, 37835, 37845, 37846. Sample nos. 70251-B, 70252-B, 70486-B, 70591-B, 70592-B, 70593-B, 73034-B, 73036-B.)

These cases involved dog and cat food that was decomposed and a part of which was short in weight.

On or about June 19, 1936, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 620 cases of dog and cat food at Baltimore, Md. On June 11, June 29, and July 3, 1936, libels were filed against 480 cases of the product at Philadelphia, Pa., 87 cases at Wilkes-Barre, Pa., and 27 cases at Scranton, Pa. It was alleged in the libels that the article had been shipped in interstate commerce between the dates of April 1 and June 6, 1936, in part by the Puro Pet Foods Co., Inc., from New York, N. Y., to Philadelphia, Wilkes-Barre, and Scranton, Pa.; in part by H. Reisler (% Rex Warehouse) from New York, N. Y., to Philadelphia, Pa.; in part by the Puro Pet Foods Co., Inc., from Philadelphia, Pa., to Baltimore, Md., and in part by the Doyle Packing Co. from Newark, N. J., to Philadelphia, Pa., and that it was adulterated in violation of the Food and Drugs Act, and that a portion thereof was also misbranded. The article was labeled in part: "Natural Brand Dog and Cat Food Contents 1 Lb. * * * Packed for Natural Food Product Co., New York City, U. S. A."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal and vegetable substance.

A portion of the article was alleged to be misbranded in that the statement on the label, "Contents 1 Lb.", was false and misleading and tended to deceive and mislead the purchaser when applied to a product in cans containing less than 1 pound; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package since the statement made was incorrect.

On August 6, August 24, October 26, and November 25, 1936, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26350. Adulteration of evaporated apples. U. S. v. 28 Boxes of Evaporated Apples. Default decree of condemnation. Product ordered to be delivered to charitable institutions. (F. & D. no. 37842. Sample no. 70583-B.)

This case involved evaporated apples that contained excessive moisture.

On June 30, 1936, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 28 boxes of evaporated apples at Norristown, Pa., alleging that the article had been shipped in interstate commerce by M. O. Engleson & Co., on or about March 28, 1936, from Williamson, N. Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Prime Engleson Brand Evaporated Apples Sulphur Dioxide Added. Packed by M. O. Engleson & Co., Williamson, N. Y., U. S. A."

The article was alleged to be adulterated in that a product containing excessive water had been substituted for evaporated apples, which the article purported to be.

On July 24, 1936, no claimant having appeared, judgment of condemnation was entered ordering that the product be turned over to some charitable institutions.

M. L. WILSON, *Acting Secretary of Agriculture.*

26351. Adulteration and misbranding of egg noodles. U. S. v. 50 Cases of Egg Noodles. Default decree of condemnation and destruction. (F. & D. no. 37844. Sample no. 69650-B.)

This case involved a product containing no egg, which was colored with tartrazine, a yellow dye, and was sold as egg noodles. The retail package bore no statement of the quantity of contents.

On July 3, 1936, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 50 cases, each containing 42 packages of egg noodles at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about May 29 and June 6, 1936, by Hinode Macaroni Co., Ltd., from Honolulu, Hawaii, and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The packages were labeled in part: (Translation from Japanese) "Egg Noodles Honolulu Manufactured by Hinode Noodle Mfg. Co." The shipping carton was labeled in part: "Hinode Macaroni Factory N. Hotel St. Honolulu, T. H. * * * Net 35 Lbs."

The article was alleged to be adulterated in that it was colored in a manner whereby inferiority was concealed.

The article was alleged to be misbranded in that it was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package.

On October 24, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26352. Adulteration of butter. U. S. v. 9 Tubs of Butter. Default decree of condemnation and destruction. (F. & D. no. 37854. Sample no. 62163-B.)

This case involved butter that contained mold, larvae, rodent hair, and other extraneous matter.

On June 26, 1936, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of nine tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about June 15, 1936, by Land O'Hills Creamery from Buckingham, W. Va., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On July 15, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26353. Adulteration of tomato puree. U. S. v. 963 Cases of Canned Tomato Puree. Default decree of condemnation and destruction. (F. & D. no. 87865. Sample no. 63476-B.)

This case involved tomato puree that contained excessive mold.

On July 3, 1936, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 963 cases of tomato puree at Saukville, Wis., alleging that the article had been shipped in interstate commerce on or about May 7, 1936, from Chicago, Ill., charging adulteration in violation of the Food and Drugs Act. This lot originally had been shipped by the Saukville Canning Co., from Saukville, Wis. and was returned to the packer. The article was labeled in part: "Way Ahead Tomato Puree Packed by Saukville Canning Co. Saukville Wis. Ozaukee County."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On August 28, 1936, no claimant having appeared, judgment of condemnation was entered ordering that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26354. Adulteration of dried olives. U. S. v. 76 Cases of Dried Olives. Default decree of condemnation and destruction. (F. & D. no. 37868. Sample no. 62196-B.)

This case involved dried olives that were decomposed.

On July 9, 1936, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 76 cases of dried olives at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about March 3, 1936, by the Lucca Olive Oil Co., from Oakland, Calif., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On July 24, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26355. Misbranding of chocolate-flavored malted milk. U. S. v. 33 Cartons of Chocolate-Flavored Malted Milk. Default decree of condemnation. Product distributed to charitable institutions. (F. & D. no. 37869. Sample no. 66599-B.)

This product contained much less malted milk than should be contained in chocolate-flavored malted milk, which it purported to be.

On July 14, 1936, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 33 cartons of chocolate-flavored malted milk at Providence, R. I., alleging that the article had been shipped in interstate commerce on or about May 8, 1936, by Canada's Pride Products Co., Inc., from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Bonnie Milcoa Chocolate Flavored Malted Milk * * * Distributors United Fruit Stores, Inc., Providence, R. I."

The article was alleged to be misbranded in that the statement, "Guaranteed to comply with all pure food laws", was misleading in that it created the impression that the article had been examined and approved and was guaranteed by the Government to comply with the law; whereas the article had not been approved by the Government and the Government did not guarantee that it complied with the law and it did not so comply; and in that the following statements were false and misleading and tended to deceive and mislead the purchaser since they represented that the article consisted of milk and cocoa and was a chocolate-flavored malted milk, was health giving, and made healthy and sturdy bodies, whereas it was not composed of milk and chocolate, was not a chocolate-flavored malted milk, not health giving, and did not make healthy and sturdy bodies: "Milcoa Chocolate Flavored Malted Milk * * * Milcoa * * * Health Giving * * * Healthy and Sturdy Bodies * * * Health Giving."

On August 4, 1936, no claimant having appeared, judgment of condemnation was entered. On August 25, 1936, the product was ordered distributed to charitable institutions.

M. L. WILSON, *Acting Secretary of Agriculture.*

26356. Misbranding and alleged adulteration of olive oil. U. S. v. 3 Gallons and 15 Gallons of Alleged Olive Oil. Default decree of condemnation and destruction. (F. & D. no. 37887. Sample nos. 66601-B, 66602-B.)

This case involved two lots of alleged olive oil, one of which consisted almost, if not entirely, of cottonseed oil artificially flavored and the other of which consisted entirely of rapeseed oil. The latter lot was also short in volume.

On July 14, 1936, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 18 gallons of alleged olive oil at Westerley, R. I., alleging that the article had been shipped in interstate commerce on or about January 2, 1936, by the Bettola Grocery from West New York, N. J., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. One lot was labeled in part: "First Pressing Cream Olive Oil." The remaining lot was labeled in part: "Italian Produce Sublime Olive Oil Imported by Acomo Fo Lucca Net Contents One Gallon."

The article was alleged to be adulterated in that cottonseed oil and artificial flavor in the case of one lot and rapeseed oil in the case of the remaining lot had been mixed and packed therewith so as to reduce or lower its quality or strength and had been substituted wholly or in part for olive oil, which the article purported to be.

The article was alleged to be misbranded in that the following statements were false and misleading and tended to deceive and mislead the purchaser when applied to a product of the composition indicated and a part of which was short in volume: (One lot) "First Pressing Cream Olive Oil This Olive Oil is guaranteed to be absolutely pure and is made from the finest selected olives grown on the Italian Riviera. This virgin oil is highly recommended for medicinal and table use. Vergine Questo olio d'oliva, prodotto della riviera ligure, e garantito purissimo. E insuperabile sia per uso medicinale che per tavola"; (remaining lot) "Italian Produce Sublime Olive Oil * * * Lucca Net Contents One Gallon The Olive Oil contained in this can is pressed from fresh picked high grown fruit, packed by the grower under the best sanitary condition, and guaranteed to be absolutely pure under any chemical analysis. * * * L'Olio d'oliva contenuto in questa latta e ottenuto dal miglior frutto appena colto confezionato dal produttore nelle migliori condizioni igieniche e garantito puro a qualsiasi analisi chimica."

The portion of the article that was short in volume was alleged to be misbranded further in that it was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package since the quantity stated was not correct.

On August 4, 1936, no claimant having appeared and the court having found the article misbranded, judgment of condemnation was entered ordering that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26357. Misbranding of chocolate-flavored malted milk. U. S. v. 22 Cases of Chocolate-Flavored Malted Milk. Default decree of condemnation and destruction. (F. & D. no. 37888. Sample no. 75558-B.)

This case involved a product that contained much less malted milk than should be contained in chocolate-flavored malted milk, which it was represented to be.

On July 13, 1936, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 22 cases of chocolate-flavored malted milk at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about April 18, 1936, by Circle Foods, Inc., from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Bo-Peep Chocolate Flavored Malted Milk * * * Circle Foods, Inc. New York, N. Y. Distributors."

The article was alleged to be misbranded in that the statements, "Chocolate Flavored Malted Milk * * * Absolutely Pure * * * Develops Sturdy Bodies * * * Rich in Vitamins", borne on the labels, were false and misleading and tended to deceive and mislead the purchaser, in that they represented that the article was a chocolate-flavored malted milk, was absolutely pure, developed sturdy bodies and was rich in vitamins; whereas the article was not chocolate-flavored malted milk, was not absolutely pure, did not de-

velop sturdy bodies, and was not rich in vitamins; and in that the statement borne on the label, "Guaranteed to comply with the Pure Food Laws", was misleading since it created the impression that the article had been examined and approved by the Government of the United States and that the Government guaranteed that it complied with the laws and that it did so comply; whereas it had not been approved by the Government, the Government did not guarantee that it complied with the law, and it did not so comply.

On September 8, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26358. Misbranding of salad oil. U. S. v. 48 Gallon Cans, 114 ½-Gallon Cans, and 114 Quart Cans of Salad Oil. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 37891. Sample nos. 71168-B, 71169-B, 71170-B.)

This case involved salad oil that was short in volume.

On July 22, 1936, the United States attorney for the District of Nevada, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 276 cans of salad oil at Reno, Nev., alleging that the article had been shipped in interstate commerce on or about April 29 and June 9, 1936, by Durkee Famous Foods from Berkeley, Calif., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Durkee's Salad Oil One Gallon [or "One Half Gallon" or "One Quart"] Durkee Famous Foods Inc. Berkeley, Calif."

The article was alleged to be misbranded in that the statements on the labels, "One Gallon", "One Half Gallon", and "One Quart", were false and misleading and tended to deceive and mislead the purchaser when applied to a product that was short in volume.

On September 28, 1936, the Glidden Co., doing business as Durkee Famous Foods, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond to be relabeled.

M. L. WILSON, *Acting Secretary of Agriculture.*

26359. Adulteration and misbranding of butter. U. S. v. 10 Tubs of Butter. Consent decree of condemnation. Product released under bond. (F. & D. no. 37894. Sample no. 56221-B.)

This case involved butter that was deficient in milk fat.

On July 7, 1936, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 tubs of butter at Cleveland, Ohio, alleging that the article had been shipped in interstate commerce on or about May 5, 1936, by Wilson & Co., from Chicago, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which contained not less than 80 percent by weight of milk fat.

The article was alleged to be misbranded in that it was sold as and purported to be butter, when it should have contained not less than 80 percent by weight of milk fat as prescribed by the act of March 4, 1923, which the article purported to be.

On July 27, 1936, Wilson & Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be brought up to the legal standard.

M. L. WILSON, *Acting Secretary of Agriculture.*

26360. Adulteration of butter. U. S. v. 22 Cubes and 15 Cubes of Butter. Decree of condemnation. Product ordered released under bond. (F. & D. no. 37896. Sample no. 69841-B.)

This case involved butter that was deficient in milk fat.

On June 30, 1936, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 37 cubes of butter at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about June 15, 1936, by the Omaha Cold Storage Co., from

Omaha, Nebr., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

On July 9, 1936, Bennett & Layton, Inc., San Francisco, Calif., having appeared as claimant, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be brought up to the legal standard.

M. L. WILSON, *Acting Secretary of Agriculture.*

26361. Adulteration of butter. U. S. v. 12 Cubes of Butter. Decree of condemnation. Product released under bond. (F. & D. no. 37897. Sample no. 3027-C.)

This case involved butter that was deficient in milk fat.

On July 7, 1936, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 12 cubes of butter at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about June 5, 1936, by Rose-Arctic Ice Cream & Bottling Co., from Grand Junction, Colo., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat, as provided by the act of March 4, 1923.

On July 14, 1936, H. H. Hildreth having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be brought up to the legal standard.

M. L. WILSON, *Acting Secretary of Agriculture.*

26362. Adulteration of crab meat. U. S. v. 1 Barrel of Crab Meat. Default decree of condemnation and destruction. (F. & D. no. 37898. Sample no. 74342-B.)

This case involved crab meat that was filthy and decomposed.

On July 3, 1936, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one barrel of crab meat at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about June 30, 1936, by Paul Zibilich Co., Inc., from New Orleans, La., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Tag) "From Paul Zibilich Co., Inc., New Orleans, La."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed animal substance.

On August 13, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26363. Adulteration of crab meat. U. S. v. 1 Barrel of Crab Meat, and one other action. (F. & D. nos. 37899, 37900. Sample nos. 6651-C, 6752-C.)

These cases involved crab meat that contained filth.

On July 3 and July 8, 1936, the United States attorney for the District of Maryland, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of four barrels of crab meat at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about July 1 and July 6, 1936, by Skremetta Seafood Co., from New Orleans, La., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance.

On October 7, 1936, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26364. Adulteration of crab meat. U. S. v. 1 Barrel and Fifty 1-Pound Cans of Crab Meat. Default decree of condemnation and destruction. (F. & D. no. 37902. Sample no. 6715-C.)

This case involved crab meat that contained filth.

On July 16, 1936, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1 barrel and 50 cans of crab meat at Washington, D. C., alleging that the article had been shipped in interstate commerce on or about July 13, 1936, by the Bayview Fish Co., from Morgan City, La., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted of a filthy animal substance.

On September 30, 1936, no claimant having appeared, a judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, Acting Secretary of Agriculture.

26365. Adulteration of crab meat. U. S. v. 1 Barrel and 1 Barrel of Crab Meat. Default decrees of condemnation and destruction. (F. & D. nos. 37903, 38076. Sample nos. 6718-C, 6725-C.)

These cases involved crab meat that contained filth.

On July 16 and July 20, 1936, the United States attorneys for the District of Columbia, and the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the respective district courts libels praying seizure and condemnation of one barrel of crab meat at Washington, D. C., and one barrel of crab meat at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about July 13 and July 15, 1936, by the Morgan City Fishery from Morgan City, La., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance.

On September 24 and September 30, 1936, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

M. L. WILSON, Acting Secretary of Agriculture.

26366. Adulteration of crab meat. U. S. v. 1 Barrel and Forty-Six 1-Pound Cans of Crab Meat, and other actions. Default decrees of condemnation and destruction. (F. & D. nos. 37904, 37908, 37917. Sample nos. 7858-C, 7863-C, 7927-C.)

These cases involved crab meat that contained filth.

On or about July 16, July 22, and July 27, 1936, the United States attorney for the District of Columbia, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 2 barrels and 77 pound cans of crab meat at Washington, D. C., alleging that the article had been shipped in interstate commerce on or about July 13, July 20, and July 23, 1936, by Winstead-Bloxom-Jones Co., Inc., from Hampton and Newport News, Va., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy animal substance.

On September 30, 1936, no claimants having appeared, judgments of condemnation were entered ordering that the product be destroyed.

M. L. WILSON, Acting Secretary of Agriculture.

26367. Adulteration of crab meat. U. S. v. 47 Cans and 47 Cans of Crab Meat. Default decree of condemnation and destruction. (F. & D. no. 37906. Sample no. 6753-C.)

This case involved crab meat that contained filth.

On July 17, 1936, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 94 pound cans of crab meat at Washington, D. C., alleging that the article had been shipped in interstate commerce on or about July 14, 1936, by A. Rock & Son from Berwick, La., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted of a filthy animal substance.

On September 30, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, Acting Secretary of Agriculture.

26363. Adulteration and misbranding of tomato puree. U. S. v. 199 Cases of Tomato Puree. Default decree of confiscation. Product ordered re-labeled under bond to be relabeled. (F. & D. no. 37907. Sample no. 6707-C.)

This case involved tomato puree that was deficient in tomato solids.

On July 23, 1936, the United States attorney for the Southern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 199 cases of tomato puree at Mobile, Ala., consigned by Riona Products Co., of McAllen, Tex., alleging that the article had been shipped in interstate commerce on or about July 18, 1936, from New Orleans, La., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Valley Rose Brand Tomato Puree * * * Packed By Riona Products Co., Inc., McAllen, Texas."

The article was alleged to be adulterated in that a substance deficient in tomato solids had been substituted for tomato puree, which the article purported to be.

The article was alleged to be misbranded in that the statement on the label, "Puree", was false and misleading and deceived and misled the purchaser since the article contained insufficient tomato solids to constitute it tomato puree; and in that it was offered for sale under the distinctive name of another article.

On August 28, 1936, no claimant appearing, judgment was entered ordering that the product be confiscated. The Schock Brokerage Co., Mobile, Ala., subsequently having filed a claim for the product, an order was entered September 19, 1936, permitting its release under bond on condition that it be relabeled.

M. L. WILSON, Acting Secretary of Agriculture.

26369. Adulteration of evaporated apples. U. S. v. 3 Boxes and 9 Boxes of Evaporated Apples. Default decrees of condemnation and destruction. (F. & D. no. 37909. Sample nos. 5628-C, 5631-C.)

This case involved evaporated apples that contained excessive moisture.

On July 23, 1936, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 12 boxes of evaporated apples at Cleveland, Ohio, alleging that the article had been shipped in interstate commerce on or about June 17 and July 3, 1936, by M. O. Engleson & Co., from Williamson, N. Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Engleson Brand * * * Evaporated Apples * * * Packed by M. O. Engleson & Co., Williamson, N. Y."

The article was alleged to be adulterated in that a product containing excessive moisture had been substituted wholly or in part for evaporated apples, which the article purported to be.

On September 18, 1936, no claimant having appeared, judgment of condemnation were entered and it was ordered that the product be destroyed.

M. L. WILSON, Acting Secretary of Agriculture.

26370. Adulteration of huckleberries. U. S. v. 147 Quart Baskets of Huckleberries. Default decree of condemnation and destruction. (F. & D. no. 37913. Sample no. 7231-C.)

This case involved huckleberries that contained maggots.

On July 14, 1936, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 147 quart baskets of huckleberries at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about July 11, 1936, by J. A. Murphy from Atkinson, N. C., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On July 30, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, Acting Secretary of Agriculture.

26371. Adulteration of cream. U. S. v. One 5-Gallon Can, et al., of Cream. Consent decree of condemnation and destruction. (F. & D. no. 37914. Sample no. 7676-C.)

This case involved cream that was filthy and decomposed.

On July 13, 1936, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one 5-gallon can and three 10-gallon

cans of cream at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about July 10, 1936, in part by J. H. Peters from Catlett, Va., and in part via truck of the Chesapeake Creameries, Inc., from Philamont, Orange, and Herndon, Va., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On July 14, 1936, the Chesapeake Creameries, Inc., having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26372. Adulteration of cream. U. S. v. One 5-Gallon Can and One 5-Gallon Can of Cream. Consent decree of condemnation and destruction. (F. & D. no. 37915. Sample no. 7677-C.)

This case involved cream that was filthy and decomposed.

On July 15, 1936, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of two 5-gallon cans of cream at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about July 13, 1936, in part by Urias Kaltreider, of Brodbeck's, Pa., from Sinsheim, Pa., and in part by S. W. Somerville, from Rapidan, Va., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On July 15, 1936, the Chesapeake Creameries, Inc., having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26373. Adulteration of cream. U. S. v. One 10-Gallon Can and One 3-Gallon Can of Cream. Consent decree of condemnation and destruction. (F. & D. no. 37916. Sample no. 7679-C.)

This case involved cream that was filthy and decomposed.

On July 21, 1936, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one 10-gallon can and one 3-gallon can of cream at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about July 18, 1936, in part by Chesapeake Creameries, Inc., from Leesburg, Va., and in part by G. F. Grandstaff, from Edinburg, Va., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On July 21, 1936, the Chesapeake Creameries, Inc., having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26374. Misbranding of Maltomilko. U. S. v. Fifty-Four 1-Pound Jars and 72 Half-Pound Jars of Maltomilko. Default decree of condemnation and destruction. (F. & D. no. 37918. Sample no. 72726-B.)

This case involved a product, labeled "Maltomilko", that contained no malted milk.

On July 29, 1936, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 126 jars of Maltomilko at Newark, N. J., alleging that the article had been shipped in interstate commerce on or about June 8, 1936, by Goodman Products Corporation, from Brooklyn, N. Y., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Maltomilko * * * Manufactured by Paradise Packing Co., New York."

The article was alleged to be misbranded in that the name of the article, "Maltomilko", borne on the label, was false and misleading and tended to deceive and mislead the purchaser in that it represented the article to be malted milk; whereas the article contained no malted milk.

On September 25, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26375. Adulteration and misbranding of butter. U. S. v. Joseph M. Merritt and Leo Watkins (Swiss Butter Plant). Pleas of guilty. Fine, \$100. (F. & D. no. 37930. Sample nos. 34837-B, 34842-B.)

This case involved an interstate shipment of butter that was deficient in milk fat.

On August 28, 1936, the United States attorney for the District of Wyoming, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Joseph M. Merritt and Leo Watkins, copartners, trading as the Swiss Butter Plant, Thayne, Wyo., alleging that on or about January 2 and January 17, 1936, the said defendants had shipped from the State of Wyoming into the State of California, quantities of butter which was adulterated and misbranded in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

Misbranding was alleged for the reason that the statement "Butter", borne on the packages, was false and misleading, and for the further reason that the article was labeled to deceive and mislead the purchaser in that it fell below the minimum standard required of a good product to be denominated as butter under the provisions of the act of March 4, 1923.

On October 26, 1936, pleas of guilty were entered and the court imposed a fine of \$50 on each defendant.

M. L. WILSON, Acting Secretary of Agriculture.

26376. Adulteration of canned salmon. U. S. v. Kadiak Fisheries Co. Plea of guilty. Fine, \$200 and costs. (F. & D. no. 37948. Sample nos. 65112-B, 65142-B, 65148-B.)

This case involved canned salmon that was in part decomposed.

On September 24, 1936, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Kadiak Fisheries Co., a corporation, Seattle, Wash., alleging that on or about July 29, 1935, the defendant had shipped from Kodiak, Alaska, into the State of Washington a quantity of canned salmon which was adulterated in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On October 26, 1936, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$200 and costs.

M. L. WILSON, Acting Secretary of Agriculture.

26377. Adulteration of butter. U. S. v. Gerlach Grain & Produce Co. Plea of guilty. Fine, \$1 and costs. (F. & D. no. 37963. Sample no. 55659-B.)

This case involved an interstate shipment of butter which was deficient in milk fat.

On September 18, 1936, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Gerlach Grain & Produce Co., a corporation located at Cordell, Okla., alleging that on or about January 25, 1936, the said defendant had shipped from the State of Oklahoma into the State of Illinois a quantity of butter which was adulterated in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as prescribed by the act of March 4, 1923.

On October 6, 1936, a plea of guilty was entered on behalf of defendant and the court imposed a fine of \$1 and costs.

M. L. WILSON, Acting Secretary of Agriculture.

26378. Misbranding of cottonseed cake. U. S. v. Southland Cotton Oil Co. Plea of guilty. Fine, \$25 and costs. (F. & D. no. 38053. Sample no. 49189-B.)

This case involved an interstate shipment of cottonseed cake which contained less protein than declared on the label.

On October 13, 1936, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Southland Cotton Oil Co., a corporation, Oklahoma City, Okla., alleging that on or about April 11, 1936, said defendant had shipped from the State of Oklahoma into the State of Kansas a quantity of

cottonseed cake which was misbranded in violation of the Food and Drugs Act. The article was labeled in part: "Southland's cottonseed cake and meal Prime Quality Guaranteed Analysis Crude Protein, not less than 43% * * * Southland Cotton Oil Company Head Office Paris, Texas."

The article was alleged to be misbranded in that the statement "Crude Protein, not less than 43%", borne on the label, was false and misleading and in that it was labeled so as to deceive and mislead the purchaser, since the article contained less than 43 percent of crude protein, namely, not more than 40.63 percent of crude protein.

On October 17, 1936, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$25 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

26379. Adulteration of canned salmon. U. S. v. Oscar L. Grimes (Grimes Packing Co.). Plea of guilty. Fine, \$25 and costs. (F. & D. no. 38020. Sample nos. 65109-B, 65132-B, 73481-B.)

This case involved an interstate shipment of canned salmon which was in part decomposed.

On September 30, 1936, the United States attorney for the District of Alaska, third division, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Oscar L. Grimes, trading as the Grimes Packing Co., at Ouzinkie, Alaska, alleging that on or about August 27, 1935, the said defendant had shipped from the Territory of Alaska into the State of Washington a quantity of canned salmon that was adulterated in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On October 5, 1936, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$25 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

26380. Adulteration and misbranding of butter. U. S. v. Klamath Falls Creamery. Plea of guilty. Fine, \$200. (F. & D. no. 38021. Sample nos. 67055-B, 67056-B.)

This case involved interstate shipments of butter that was deficient in milk fat.

On October 7, 1936, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Klamath Falls Creamery, a corporation, Klamath Falls, Oreg., alleging that on or about June 3, 1936, the defendant had shipped from the State of Oregon into the State of California quantities of butter which was adulterated and misbranded in violation of the Food and Drugs Act. The article was labeled in part: "Crater Lake Butter Manufactured by Klamath Falls Creamery Klamath Falls Oregon."

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat.

Misbranding was alleged for the reason that the statement "Butter", borne on the label, was false and misleading and for the further reason that it was labeled so as to deceive and mislead the purchaser to believe that it was butter, whereas it was not butter as prescribed by the act of March 4, 1923, but was a product containing less than 80 percent by weight of milk fat.

On October 20, 1936, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$200.

M. L. WILSON, *Acting Secretary of Agriculture.*

26381. Adulteration and misbranding of butter. U. S. v. Interstate Associated Creameries. Plea of guilty. Fine, \$40. (F. & D. no. 37965. Sample nos. 46543-B, 46950-B.)

This case involved butter that was deficient in milk fat.

On August 17, 1936, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Interstate Associated Creameries, a corporation at Portland, Oreg., alleging that on or about February 29 and March 13, 1936, said defendant had shipped from the State of Oregon into the State of California quantities of butter which was adulterated and misbranded in violation of the Food and Drugs Act. The article was labeled in part: "Red Ribbon Pasteur-

ized Fancy Creamery Butter * * * Manufactured for Leslie Company, Ltd. San Francisco, Calif."

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat as prescribed by the act of Congress of March 4, 1923, which the article purported to be.

The article was alleged to be misbranded in that the statement borne on the label, "Butter", was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since said statement represented that the article was butter, namely, a product containing not less than 80 percent by weight of milk fat, the standard for butter prescribed by act of Congress, whereas the article was not butter but was a product containing less than 80 percent by weight of milk fat.

On September 11, 1936, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$40.

M. L. WILSON, *Acting Secretary of Agriculture.*

26382. Misbranding of gray wheat shorts with ground wheat screenings. U. S. v. The Model Mill Co. Fine, \$200. (F. & D. no. 37970. Sample nos. 29910-B, 29911-B, 29912-B.)

This case involved feed that contained less crude protein and more crude fiber than declared on the label.

On September 2, 1936, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Model Mill Co., a corporation at Jackson, Tenn., alleging shipment by said defendant on or about December 8 and December 11, 1935, from the State of Tennessee into the State of Alabama of a quantity of feed which was misbranded in violation of the Food and Drugs Act. The article was labeled in part: (Tag) "Model Grey Wheat Shorts With Ground Wheat Screenings, Manufactured by The Model Mill Company Jackson, Tennessee, Guaranteed Analysis Crude Protein, not less than 16.00% * * * Crude Fibre, not more than 7.00%."

The article was alleged to be misbranded in that the statements, "crude protein, not less than 16% * * * crude fiber, not more than 7%", borne on the tags, were false and misleading in that the said statements represented that the article contained not less than 16 percent of crude protein and not more than 7 percent of crude fiber; whereas the article contained less than 16 percent of crude protein and more than 7 percent of crude fiber; and in that it was labeled so as to deceive and mislead the purchaser into the belief that it contained not less than 16 percent of crude protein and not more than 7 percent of crude fiber.

On September 30, 1936, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$200.

M. L. WILSON, *Acting Secretary of Agriculture.*

26383. Adulteration of blackberry preserves. U. S. v. National Fruit Canning Co. Plea of guilty. Fine, \$200 and costs. (F. & D. no. 37971. Sample no. 65213-B.)

This case involved blackberry preserves that had been made in part from moldy berries.

On September 24, 1936, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the National Fruit Canning Co., a corporation at Seattle, Wash., alleging that on or about March 1, 1936, the said defendant had shipped from the State of Washington into the State of California a quantity of blackberry preserves which were adulterated in violation of the Food and Drugs Act. The article was labeled in part: "Valamont Brand Pure Blackberry Preserves National Fruit Canning Co. Seattle, Wash."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On October 17, 1936, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$200 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

26384. Adulteration of shelled walnuts. U. S. v. Herman C. Fisher Co. Plea of guilty. Fine, \$2. (F. & D. no. 37991. Sample nos. 65283-B, 65284-B.)

This case involved an interstate shipment of shelled walnuts which were filthy and decomposed.

On September 23, 1936, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Herman C. Fisher Co., a corporation located at San Francisco, Calif., alleging that on or about February 29, 1936, said defendant had shipped from the State of California into the State of Washington a quantity of walnuts which were adulterated in violation of the Food and Drugs Act. The article, consisting of two shipments, was labeled in part: "California Shelled Walnuts R & H Seattle, Wash."; "Shelled California Walnuts Fisher's Special Amber Herman C. Fisher Co., San Francisco, Calif."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed vegetable substance.

On October 5, 1936, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$2.

M. L. WILSON, Acting Secretary of Agriculture.

26385. Misbranding of linseed meal. U. S. v. Bisbee Linseed Co., a corporation. Plea of nolo contendere. Fine, \$50 and costs. (F. & D. no. 37792. Sample no. 10157-B.)

This case involved linseed meal that contained less crude protein than indicated on the label.

On September 9, 1936, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Bisbee Linseed Co., a corporation trading at Philadelphia, Pa., alleging that on or about January 15, 1936, the defendant had shipped from the State of Pennsylvania into the State of Texas a quantity of linseed meal which was misbranded in violation of the Food and Drugs Act. The article was labeled in part: (Tag) "Bisbee Brand 34% Protein Linseed Meal Manufactured By Bisbee Linseed Company."

The article was alleged to be misbranded in that the statement "Crude Protein not less than 34 per cent", borne on the tag, was false and misleading in that it represented that the article contained not less than 34 per cent of crude protein; whereas the article contained less than 34 percent, namely, not more than 31.59 percent of crude protein; and in that it was labeled, as aforesaid, so as to deceive and mislead the purchaser into the belief that it contained not less than 34 percent of crude protein, whereas it contained less than 34 percent of crude protein.

On October 1, 1936, a plea of nolo contendere was entered on behalf of the defendant and the court imposed a fine of \$50 and costs.

M. L. WILSON, Acting Secretary of Agriculture.

26386. Adulteration of canned salmon. U. S. v. Seufert Bros. Co. Plea of guilty. Fine, \$200. (F. & D. no. 88013. Sample nos. 73238-B, 73239-B, 73263-B.)

This case involved canned salmon that was in part decomposed.

On October 19, 1936, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Seufert Bros. Co., a corporation, The Dalles, Oreg., alleging that on or about January 10, 1936, the defendant had shipped from the State of Oregon into the State of Idaho a quantity of canned salmon which was adulterated in violation of the Food and Drugs Act. A portion of the article was labeled: "Celilo Brand Columbia River Salmon, * * * Packed by Seufert Bros. Co. The Dalles, Oregon." The remainder was labeled: "Merrimac Brand, * * * Packed at Seuferts, Wasco Co., Oregon, U. S. A. by Seufert Bros. Packing Co."

The article was alleged to be adulterated in that it consisted in part of a decomposed animal substance.

On October 28, 1936, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$200.

M. L. WILSON, Acting Secretary of Agriculture.

26387. Adulteration of crab meat. U. S. v. Sixty-eight 1-Pound Cans of Crab Meat. Default decree of condemnation and destruction. (F. & D. no. 38074. Sample no. 6711-C.)

This case involved crab meat that contained filth.

On July 16, 1936, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of sixty-eight 1-pound cans of crab meat at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about July 13, 1936, by St. Mary's Seafood Co., from Morgan City, La., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted of a filthy animal substance.

On August 13, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26388. Adulteration of crab meat. U. S. v. One Barrel of Claw Crab Meat. Default decree of condemnation and destruction. (F. & D. no. 38075. Sample no. 6722-C.)

This case involved crab meat that contained filth.

On or about July 17, 1936, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one barrel of crab meat at Norfolk, Va., alleging that the article had been shipped in interstate commerce on or about July 14, 1936, by the Paul Ziblich Co., Inc., from New Orleans, La., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it was contaminated with fecal *Bacillus coli*.

On November 13, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26389. Adulteration of whitefish. U. S. v. 2, 7, and 8 Boxes of Whitefish. Default decrees of condemnation and destruction. (F. & D. nos. 38078, 38131, 38132. Sample nos. 8804-C, 9014-C, 9015-C.)

These cases involved whitefish that were infested with worms.

On July 13 and 31, 1936, the United States attorneys for the Eastern District and the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 7 boxes of whitefish at Brooklyn, N. Y., and 10 boxes of whitefish at New York, N. Y., consigned by A. Straker, Montreal, Quebec, alleging that the article had been shipped on or about July 8 and July 29, 1936, from Montreal, Quebec, Canada, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "A. Straker, Montreal, Que."

The article was alleged to be adulterated in that it consisted in part of a filthy animal substance and in that it consisted of portions of animals unfit for food.

On July 24, August 12, and September 14, 1936, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26390. Adulteration of cream. U. S. v. Two 10-Gallon Cans, et al., of Cream. Default decrees of destruction. (F. & D. nos. 38079, 38080, 38082. Sample nos. 5078-C, 5079-C, 5102-C.)

These cases involved cream that was decomposed.

On July 13 and July 14, 1936, the United States attorney for the District of Minnesota, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of three 10-gallon cans of cream at St. Paul, Minn., and three 5-gallon cans and two 10-gallon cans of cream at Lakeville, Minn., alleging that the article had been shipped in interstate commerce on or about July 8, July 9, and July 10, 1936, in various shipments, by C. C. Wedell from Radisson, Wis.; by A. A. Kraft from Karlsruhe, N. Dak.; by Hans Woldseth from Edmore, N. Dak.; by Daniel Bushhausen from Ravenna, Nebr.; by F. W. Rose from Gothenburg, Nebr.; by E. J. Schmeeckle from Cozad, Nebr.; by Magnus Jensen from Rockham, S. Dak.; and by John F. Kinsley from Salem, S. Dak., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it was decomposed.

On September 4, 1936, no claimant having appeared, decrees were entered ordering that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26391. Adulteration of butter. U. S. v. 57 Tubs of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. & D. no. 38083. Sample nos. 56877-B, 56878-B.)

This case involved butter that was deficient in milk fat.

On or about July 14, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 57 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about June 24, 1936, by the Farmers Marketing Association, from Columbus, Ind., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat, as provided by the act of March 4, 1923.

On July 29, 1936, the Farmers Marketing Association, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond to be reworked.

M. L. WILSON, *Acting Secretary of Agriculture.*

26392. Adulteration of butter. U. S. v. 370 Cubes of Butter. Consent decree of condemnation. Product released under bond. (F. & D. no. 38084. Sample no. 59252-B.)

This case involved butter that was deficient in milk fat.

On July 16, 1936, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 370 cubes of butter at Omaha, Nebr., alleging that the article had been shipped in interstate commerce on or about May 25, 1936, by the Linwood Creamery Co., from Wichita, Kans., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat, as provided by the act of March 4, 1923.

On July 21, 1936, the Omaha Cold Storage Co., Omaha, Nebr., having appeared as claimant and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it should not be disposed of until it was brought up to the legal standard.

M. L. WILSON, *Acting Secretary of Agriculture.*

26393. Adulteration of apples. U. S. v. 628 Boxes of Apples. Consent decree of condemnation. Product released under bond. (F. & D. no. 38085. Sample no. 3031-C.)

This case involved apples that were contaminated with lead and arsenic.

On July 16, 1936, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 628 boxes of apples at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about July 9, 1936, by Mrs. Elizabeth Toll, from Milton, Oreg., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Extra Fancy Winesap * * * Shields Fruit Co. Inc. Free-water Oregon Produce of USA."

The article was alleged to be adulterated in that it contained lead and arsenic, added poisonous or deleterious ingredients which might have rendered it injurious to health.

On July 28, 1936, Charles Milne, Los Angeles, Calif., having appeared as claimant and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it should not be disposed of in violation of the law.

M. L. WILSON, *Acting Secretary of Agriculture.*

26394. Adulteration of apples. U. S. v. 74 Baskets of Apples. Default decree of condemnation and destruction. (F. & D. no. 38086. Sample nos. 8135-C, 8681-C.)

This case involved apples that were contaminated with lead and arsenic.

On July 15, 1936, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 74 baskets of apples at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about July 13, 1936, by Robert Y. Garrett, from Moorestown, N. J., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous ingredients, lead and arsenic, which might have rendered it injurious to health.

On August 18, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, Acting Secretary of Agriculture.

26395. Adulteration of currants. U. S. v. 7 Crates of Currants. Default decree of condemnation and destruction. (F. & D. no. 38087. Sample no. 6257-C.)

This case involved currants that contained added poisonous and deleterious ingredients, arsenic and lead.

On July 14, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of seven crates of currants at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about July 7, 1936, by Otto Kelder from South Haven, Mich., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts which might have rendered it injurious to health.

On October 2, 1936, no claimant appearing, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, Acting Secretary of Agriculture.

26396. Adulteration of cherries. U. S. v. 9 Crates of Cherries. Default decree of condemnation and destruction. (F. & D. no. 38088. Sample nos. 6255-C, 6256-C.)

This case involved cherries that contained arsenic and lead.

On July 14, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of nine crates of cherries at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about July 6, 1936, by E. P. Johnson & Co., from Shelby, Mich., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in an amount which might have rendered it injurious to health.

On October 2, 1936, no claimant appearing, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, Acting Secretary of Agriculture.

26397. Adulteration of cherries. U. S. v. 21 Hampers of Cherries. Default decree of condemnation and destruction. (F. & D. no. 38089. Sample no. 8199-C.)

This case involved cherries that contained an added poisonous or deleterious ingredient, lead.

On July 15, 1936, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 21 hampers of cherries at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about July 14, 1936, by Fred Beckhorn from Valois, N. Y., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it harmful to health.

On August 13, 1936, no claimant appearing, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, Acting Secretary of Agriculture.

26398. Adulteration of blueberries. U. S. v. 31 3/32 crates of Blueberries. Default decree of condemnation and destruction. (F. & D. no. 38090. Sample no. 8691-C.)

This case involved blueberries that were infested with maggots.

On July 18, 1936, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 31 $\frac{3}{32}$ crates of blueberries at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about July 16, 1936, by Paul Saladigo, from McAdoo, Pa., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On September 24, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26399. Adulteration of blueberries. U. S. v. 5 Crates of Blueberries. Default decree of condemnation and destruction. (F. & D. no. 38091. Sample no. 8700-C.)

This case involved fresh blueberries that were infested with maggots.

On July 20, 1936, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of five crates of fresh blueberries at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about July 19, 1936, by J. J. Gulick from Mahanoy City, Pa., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On September 24, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26400. Adulteration of cherries. U. S. v. 88 Baskets of Cherries. Default decree of condemnation and destruction. (F. & D. no. 38102. Sample no. 9461-C.)

This case involved cherries that contained added poisonous ingredients, arsenic and lead.

On July 23, 1936, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 88 baskets of cherries at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about July 21, 1936, by Bert Mallich, from North East, Pa., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous ingredients, arsenic and lead, which might have rendered it injurious to health.

On August 14, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26401. Misbranding of peanut butter. U. S. v. 185 Cases of Peanut Butter. Decree ordering release of product under bond. (F. & D. no. 38103. Sample no. 3256-C.)

This case involved jars of peanut butter that were short in weight.

On July 29, 1936, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 185 cases of peanut butter at San Diego, Calif., alleging that the article had been shipped in interstate commerce on or about June 18, 1936, by Southgate Foods, Inc., from Norfolk, Va., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Lynnhaven Brand Peanut Butter Contents 1 Lb., Southgate Foods, Inc. Norfolk, Va."

The article was alleged to be misbranded in that the statement "Contents 1 Lb.", borne on the label, was false and misleading and tended to deceive and mislead the purchaser when applied to an article that was short in weight; and in that it was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On August 17, 1936, Southgate Foods, Inc., having appeared as claimant, judgment was entered ordering that the product be released under bond conditioned that the short-weight jars be repacked under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

26402. Adulteration of canned sardines. U. S. v. 500 Cases of Sardines. Default decree of condemnation and destruction. (F. & D. no. 38105. Sample nos. 8556-C, 9419-C.)

This case involved canned sardines that contained an added poisonous or deleterious ingredient, lead.

On July 30, 1936, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 500 cases of canned sardines at New York, N. Y., alleging that the article had been shipped from a foreign port and had arrived on or about July 29, 1936, at Brooklyn, N. Y., for the purpose of reshipment to Providence, R. I., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Greatness Brand Skinless and Boneless Portuguese Sardines."

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it injurious to health.

On September 14, 1936, no claimant appearing, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26403. Adulteration of crab meat. U. S. v. 1 Barrel of Crab Meat. Default decree of condemnation and destruction. (F. & D. no. 38106. Sample no. 6744-C.)

This case involved crab meat that contained filth.

On July 30, 1936, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one barrel of crab meat at Washington, D. C., alleging that the article had been shipped in interstate commerce on or about July 27, 1936, by John Illich, from Biloxi, Miss., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy animal substance.

On September 30, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26404. Adulteration of fruit spread. U. S. v. 10 Cases of Fruit Spread. Default decree of condemnation and destruction. (F. & D. no. 38109. Sample no. 6352-C.)

This case involved fruit spread that was moldy and decomposed.

On August 3, 1936, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 cases of fruit spread at Milwaukee, Wis., alleging that the article had been shipped in interstate commerce on or about January 20, 1936, by California Fruit Products, Ltd., from Los Angeles, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Sun-Gold Fruit Spread Orange [or "Fig", "Currant", or "Apricot-Pineapple"]."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On September 16, 1936, no claimant appearing, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26405. Misbranding of malted milk chocolate-flavored. U. S. v. 130 Cans of Malted Milk Chocolate-Flavored. Default decree of forfeiture and destruction. (F. & D. no. 38110. Sample no. 7049-C.)

This product was represented to be chocolate-flavored malted milk, but in fact consisted mainly of sugar with some cocoa and malted milk present.

On August 5, 1936, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 130 cans of malted milk

chocolate-flavored at Worcester, Mass., alleging that the article had been shipped in interstate commerce on or about February 5, 1936, by the Laxseed Co., Inc., from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Malted Milk Chocolate Flavored * * * Distributed by C. T. Sherer Co. Worcester, Mass."

The article was alleged to be misbranded in that the statements borne on the label, "Malted Milk Chocolate Flavored * * * This pure Malted Milk makes * * * invigorating * * * drink. * * * Its easily digestible and nutritional value makes it an important accessory to the diet of children and convalescents. * * * Its food value aids to develop the growth of sturdy bodies", were false and misleading and tended to deceive and mislead the purchaser in that they represented that the article was malted milk chocolate-flavored, that it was pure malted milk and made an invigorating drink, that its easily digestible and nutritional value made it an important accessory to the diet of children and convalescents, and that its food value aided in developing the growth of sturdy bodies; whereas the article was not malted milk chocolate-flavored, was not pure malted milk and would not make an invigorating drink, it would not be an important accessory to the diet of children and convalescents, and would not aid in developing the growth of sturdy bodies.

On September 14, 1936, no claimant appearing, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26406. Misbranding of salad oil. U. S. v. 157 Cases and 4 Cans of Salad Oil. Product released under bond to be relabeled. (F. & D. no. 38111. Sample no. 7243-C.)

This case involved a product which was represented to consist entirely of cottonseed oil but which consisted of a mixture of vegetable oils, containing approximately 10 percent of cottonseed oil.

On August 6, 1936, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 157 cases and 4 cans of salad oil at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about July 17, 1936, by Swift & Co., from Chicago, Ill., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Cotton Bloom Oil * * * Purely Vegetable Swift & Company General Office, Chicago."

The article was alleged to be misbranded in that the statement "Cotton Bloom Oil", borne on the label, was false and misleading and tended to deceive and mislead the purchaser when applied to an article containing only 10 percent of cottonseed oil.

On August 18, 1936, Swift & Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree of condemnation, judgment was entered ordering that the product be released under bond to be relabeled.

M. L. WILSON, *Acting Secretary of Agriculture.*

26407. Adulteration of cream. U. S. v. Five 5-Gallon Cans of Cream. Default decree of condemnation and destruction. (F. & D. no. 38114. Sample no. 71108-B.)

This case involved a shipment of cream that was filthy and decomposed.

On July 2, 1936, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of five 5-gallon cans of cream at Smith River, Calif., alleging that the article had been shipped in interstate commerce on or about June 28, 1936, by the Del Norte Milk Products Co., from Grants Pass, Oreg., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On September 16, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26408. Adulteration of cream. U. S. v. Three 5-Gallon Cans and Five 10-Gallon Cans of Cream. Order for immediate destruction. (F. & D. no. 38115. Sample no. 7237-C.)

This case involved an interstate shipment of cream that was filthy and decomposed.

On July 22, 1936, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of three 5-gallon cans and five 10-gallon cans of cream at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about July 21, 1936, in various lots by R. O. Ritter from Hall, W. Va.; Laura H. Hartley from Weston, W. Va.; G. F. Snyder from Oxford, W. Va.; J. G. Leichter from Moundsville, W. Va.; J. T. Fisher & Sons from Poolesville, Md.; and G. W. Riggenbach from New Martinsville, W. Va., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On July 22, 1936, the article being spoiled and unfit for human consumption, at the request and with the consent of the Fairmont Creamery Co., consignee, it was ordered destroyed immediately.

M. L. WILSON, Acting Secretary of Agriculture.

26409. Adulteration of cream. U. S. v. Fourteen 5-Gallon Cans and Five 10-Gallon Cans of Cream. Order for immediate destruction. (F. & D. no. 88116. Sample no. 7238-C.)

This case involved an interstate shipment of cream that was filthy and decomposed.

On July 24, 1936, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of fourteen 5-gallon cans and five 10-gallon cans of cream at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about July 22, 1936, in various lots by Emma Haught from Blacksville, W. Va.; Ralph Broadwater from Blacksville, W. Va.; S. L. Hartman from Albright, W. Va.; Walt Grimm from Franetown, W. Va.; Mrs. Elias Tennant from Blacksville, W. Va.; Laban Cross from Belington, W. Va.; N. Liming from Blacksville, W. Va.; D. C. Hinkle from Petersburg, W. Va.; Effie Heckert from Weston, W. Va.; H. O. Poling from Kasson, W. Va.; S. E. Ice from Belington, W. Va.; W. O. Daugherty from Proctor, W. Va.; W. L. Cain from Weston, W. Va.; H. A. Butcher from Beverly, W. Va.; Farmers Supply Co., from Morgantown, W. Va.; W. H. Bragg from Weston, W. Va.; and Lyle Leichter, from Hundred, W. Va., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On July 24, 1936, the article being spoiled and unfit for human consumption, at the request and with the consent of the Fairmont Creamery Co., consignee, it was ordered destroyed immediately.

M. L. WILSON, Acting Secretary of Agriculture.

26410. Adulteration of cream. U. S. v. Three 5-Gallon Cans and Five 10-Gallon Cans of Cream. Order for immediate destruction. (F. & D. no. 88117. Sample no. 7239-C.)

This case involved an interstate shipment of cream that was filthy and decomposed.

On July 24, 1936, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of three 5-gallon cans and five 10-gallon cans of cream at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about July 23, 1936, in various shipments, by Mrs. Wm. V. Kirk from Hancock, W. Va.; Belle Poe from Moatsville, W. Va.; Mrs. O. Losh from Villa Nova, W. Va.; C. E. Zipf from St. Marys, W. Va.; D. C. S. Co. from Sardis, Ohio; I. E. Mendenhall from Newport, Ohio; M. K. Bowers from Charles Town, W. Va.; and D. C. Hinkle from Petersburg, W. Va., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On July 24, 1936, the article being spoiled and unfit for human consumption, at the request and with the consent of the Fairmont Creamery Co., consignee, it was ordered immediately destroyed.

M. L. WILSON, Acting Secretary of Agriculture.

26411. Adulteration of cream. U. S. v. One 5-Gallon Can and Two 10-Gallon Cans of Cream. Order for immediate destruction. (F. & D. no. 88118. Sample no. 7240-C.)

This case involved an interstate shipment of cream that was filthy and decomposed.

On July 24, 1936, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one 5-gallon can and two 10-gallon cans of cream at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about July 23, 1936, in part by Ina Nester from Parsons, W. Va., and in part by the Weston Cream Station from Weston, W. Va., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On July 24, 1936, the article being spoiled and unfit for human consumption, at the request and with the consent of the Blue Valley Creamery Co., consignee, it was ordered immediately destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26412. Adulteration of cream. U. S. v. One 5-Gallon Can and Ten 10-Gallon Cans of Cream. Order for immediate destruction. (F. & D. no. 88119. Sample no. 7241-C.)

This case involved an interstate shipment of cream that was filthy and decomposed.

On July 25, 1936, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one 5-gallon can and ten 10-gallon cans of cream at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about July 24, 1936, in various lots by Walter Johnson from Strasburg, Va.; M. K. Bowers from Charles Town, W. Va.; B. M. Grimm from Romney, W. Va.; Burgett Swisher from Lost Creek, W. Va.; B. M. Furr from Marshall, Va.; Freeland & Fletcher from Middlebourne, W. Va.; and J. H. Broadwater from Salem, W. Va., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On July 25, 1936, the article being spoiled and unfit for human consumption, at the request and with the consent of the Fairmont Creamery Co., consignee, it was ordered immediately destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26413. Adulteration of cream. U. S. v. One 5-Gallon Can and Five 10-Gallon Cans of Cream. Order for immediate destruction. (F. & D. no. 88120. Sample no. 7242-C.)

This case involved an interstate shipment of cream that was filthy and decomposed.

On July 28, 1936, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one 5-gallon can and five 10-gallon cans of cream at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about July 25, 1936, in various shipments by I. E. Mendenhall from Newport, Ohio; J. T. Fisher & Sons from Poolesville, Md.; M. J. Gartner from Gaithersburg, Md.; and Ira Bolyard from Kasson, W. Va., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On July 28, 1936, the article being spoiled and unfit for human consumption, at the request and with the consent of the Fairmont Creamery Co., consignee, it was ordered immediately destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26414. Adulteration and misbranding of butter. U. S. v. 57 Boxes of Butter. Decree of condemnation. Product released under bond to be reworked. (F. & D. no. 88121. Sample no. 7046-C.)

This case involved butter that was deficient in milk fat.

On July 23, 1936, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 57 boxes of butter at Wor-

cester, Mass., consigned July 10, 1936, alleging that the article had been shipped in interstate commerce by the Beatrice Creamery Co., from Champaign, Ill., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "White Rose Farm Rolls Butter * * * Beatrice Creamery Company."

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, which the article purported to be.

The article was alleged to be misbranded in that it was an imitation of and was offered for sale under the distinctive name of another article, butter.

On August 17, 1936, the Beatrice Creamery Co., having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond to be reworked under the supervision of this Department, so that it contain at least 80 percent of butterfat.

M. L. WILSON, *Acting Secretary of Agriculture.*

26415. Adulteration of butter. U. S. v. 5 Tubs, et al., of Butter. Decree of condemnation. Product released under bond. (F. & D. no. 38122. Sample nos. 7789-C, 7790-C.)

This case involved butter that was deficient in milk fat.

On July 29, 1936, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 41 tubs of butter at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about July 8 and July 15, 1936, by the Lakeville Creamery Co. from Lakeville, Minn., and charging adulteration in violation of the act of March 4, 1923.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

On August 19, 1936, the Purity Creamery Co., Baltimore, Md., having appeared as claimant, judgment of condemnation was entered and it was ordered that the product be released under bond, conditioned that it be brought up to the legal standard.

M. L. WILSON, *Acting Secretary of Agriculture.*

26416. Adulteration of huckleberries. U. S. v. 2 Crates of Huckleberries. Default decree of condemnation and destruction. (F. & D. no. 38125. Sample no. 9470-C.)

This case involved an interstate shipment of huckleberries that were infested with maggots.

On July 24, 1936, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of two crates of fresh huckleberries at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about July 23, 1936, by F. S. Merlino, from Hamonton, N. J., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy, decomposed, or putrid vegetable substance.

On August 6, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26417. Adulteration of blueberries. U. S. v. 4 Crates of Blueberries. Default decree of condemnation and destruction. (F. & D. no. 38126. Sample no. 9471-C.)

This case involved an interstate shipment of blueberries that were infested with maggots.

On July 24, 1936, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of four crates of blueberries at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about July 23, 1936, by Kurt Bros., from Mount Carmel, Pa., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy, decomposed, or putrid vegetable substance.

On August 6, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26418. Adulteration of crab meat. U. S. v. 97 Cans and 50 Cans of Crab Meat. Default decree of condemnation and destruction. (F. & D. no. 38130. Sample no. 8737-C.)

This case involved an interstate shipment of canned crab meat that contained filth.

On July 30, 1936, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 147 cans of crab meat at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about July 27, 1936, by East End Fish & Oyster Co., from Biloxi, Miss., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy animal substance.

On September 11, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26419. Adulteration of canned crab meat. U. S. v. 1 Barrel of Crab Meat. Default decree of condemnation and destruction. (F. & D. no. 38133. Sample no. 6661-C.)

This case involved an interstate shipment of crab meat that contained filth.

On or about August 1, 1936, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one barrel of canned crab meat at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about July 29, 1936, by the J. H. Pelham Co., from Pascagoula, Miss., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance.

On September 11, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26420. Adulteration of crab meat. U. S. v. 1 Barrel of Crab Meat. Default decree of condemnation and destruction. (F. & D. no. 38137. Sample no. 7521-C.)

This case involved crab meat that contained filth.

On August 7, 1936, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one barrel of crab meat at Washington, D. C., alleging that the article had been shipped in interstate commerce on or about August 5, 1936, by the Crisfield Packing Co., from Crisfield, Md., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted of a filthy animal substance.

On September 30, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26421. Adulteration of crab meat. U. S. v. 1 Barrel of Crab Meat. Default decree of condemnation and destruction. (F. & D. no. 38138. Sample no. 7872-C.)

This case involved crab meat that contained filth.

On August 7, 1936, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one barrel of crab meat, alleging that the article had been shipped in interstate commerce on or about August 5, 1936, by Carol Dryden & Co., from Crisfield, Md., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted of a filthy animal substance.

On September 30, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26422. Adulteration of tomato juice. U. S. v. 1,250 Cases, et al., of Tomato Juice. Default decrees of condemnation and destruction. (F. & D. nos. 88139, 88140. Sample no. 13351-C.)

These cases involved interstate shipments of tomato juice that was in part decomposed.

On August 12, 1936, the United States attorney for the Southern District of Florida, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 1,805 cases of canned tomato juice at Jacksonville, Fla., alleging that the article had been shipped in interstate commerce on or about June 19, 1936, by G. L. Webster Co., Inc., from Cheriton, Va., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Webster's Tomato Juice * * * Packed by G. L. Webster Canning Co., Incorporated, Cheriton, Va."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On September 29, 1936, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26423. Adulteration of blueberries. U. S. v. 6 Crates of Blueberries. Default decree of condemnation and destruction. (F. & D. no. 38170. Sample no. 16753-C.)

This case involved an interstate shipment of blueberries that were infested with maggots.

On August 10, 1936, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of six crates of blueberries at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 7, 1936, by Francis Estlow from Chatsworth, N. J., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On August 19, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26424. Adulteration of crab meat. U. S. v. 1 Barrel, et al., of Crab Meat. Default decrees of condemnation and destruction. (F. & D. nos. 38153, 38154, 38171, 38202, 38215. Sample nos. 7527-C, 7869-C, 7871-C, 7885-C, 7887-C.)

These cases involved crab meat that contained filth.

On August 6, 7, 12, 14, and 17, 1936, the United States attorneys for the Eastern District of Pennsylvania and the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 2 barrels and 85 pound cans of crab meat at Philadelphia, Pa., and 1 barrel of crab meat at New York, N. Y., alleging that the article had been shipped in interstate commerce in various shipments on or about August 4, 5, 10, 12, and 13, 1936, by Chas. W. Howeth & Bro., from Crisfield, Md., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance.

On August 28, September 1, 2, and 9, 1936, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26425. Adulteration of crab meat. U. S. v. 30 Cans of Crab Meat. Default decree of condemnation and destruction. (F. & D. no. 88172. Sample no. 7875-C.)

This case involved an interstate shipment of crab meat that contained filth.

On August 8, 1936, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 30 cans of crab meat at Atlantic City, N. J., alleging that the article had been shipped in interstate commerce on or about August 6, 1936, by the Milbourne Oyster Co., from Crisfield, Md., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance.

On September 25, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26426. Adulteration of crab meat. U. S. v. 25 Pounds of Crab Meat. Default decree of condemnation and destruction. (F. & D. no. 38173. Sample no. 7879-C.)

This case involved an interstate shipment of crab meat that contained filth.

On August 12, 1936, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 25 pounds of crab meat at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about August 10, 1936, by John T. Handy from Crisfield, Md., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted of a filthy animal substance.

On September 1, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26427. Adulteration of crab meat. U. S. v. 60 Pounds of Crab Meat. Default decree of condemnation and destruction. (F. & D. no. 38174. Sample no. 7942-C.)

This case involved an interstate shipment of crab meat that contained filth.

On August 12, 1936, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 60 pounds of crab meat at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about August 10, 1936, by White & Nelson from Hoopersville, Md., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted of a filthy animal substance.

On September 1, 1936, no claimant having appeared, decree of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26428. Adulteration of crab meat. U. S. v. 1 Barrel of Crab Meat. Default decree of condemnation and destruction. (F. & D. no. 38175. Sample no. 16352-C.)

This case involved an interstate shipment of crab meat that contained filth.

On August 14, 1936, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one barrel of crab meat at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about August 10, 1936, by the Sanitary Crab Co., from Colonial Beach, Va., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy animal substance.

On September 23, 1936, no claimant having appeared, default decree of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26429. Adulteration of canned sardines. U. S. v. 7 Cases, et al., of Sardines. Default decrees of condemnation and destruction. (F. & D. nos. 38187 to 38191, incl. Sample nos. 8628-C to 8632-C, incl.)

These cases involved canned sardines that contained an excessive amount of lead.

On August 19, 1936, the United States attorneys for the Southern and Eastern Districts of New York, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 13 cases of canned sardines at New York, N. Y., and 2 cases of canned sardines at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about March 21, 1936, by Coelho Bros., from Providence, R. I., and charging adulteration in violation of the Food and

Drugs Act. The article was labeled in part: "Skinless and Boneless Portuguese Sardines * * * Greatness Brand."

The article was alleged to be adulterated in that it contained an added deleterious ingredient, lead, which might have rendered it harmful to health.

On September 2 and September 18, 1936, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26430. Adulteration of raspberries. U. S. v. 129 Pails of Raspberries. Default decree of condemnation and destruction. (F. & D. no. 38196. Sample no. 11621-C.)

This case involved an interstate shipment of raspberries that were infested with maggots.

On August 20, 1936, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 129 pails of raspberries at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about August 13, 1936, by the H. A. Johnson Co., from Van Buren, Maine, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On September 14, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26431. Adulteration of cherries. U. S. v. 17 Crates of Cherries. Default decree of condemnation and destruction. (F. & D. no. 38197. Sample no. 5888-C.)

This case involved an interstate shipment of cherries that were contaminated with arsenic and lead.

On August 5, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 17 crates of cherries at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about July 29, 1936, by George Bolling, from Traverse City, Mich., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, which might have rendered it injurious to health.

On October 2, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26432. Adulteration and misbranding of butter. U. S. v. 25 Cubes of Butter. Decree of condemnation. Product ordered released under bond. (F. & D. no. 38198. Sample no. 3747-C.)

This case involved an interstate shipment of butter that was deficient in milk fat.

On August 7, 1936, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 25 cubes of butter at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about July 27, 1936, by the Wilcox Produce Co., from Portland, Oreg., and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat.

The article was alleged to be misbranded in that it was labeled "Butter", which was false and misleading and served to mislead and deceive the purchaser since it contained less than 80 percent by weight of milk fat.

On August 15, 1936, Wilsey Bennett Co., San Francisco, Calif., having appeared as claimant, judgment of condemnation was entered and it was ordered that the product be released under bond, conditioned that it be brought up to the legal standard.

M. L. WILSON, *Acting Secretary of Agriculture.*

26133. Adulteration of butter. U. S. v. 400 Boxes of Butter. Consent decree of condemnation. Product ordered released under bond. (F. & D. no. 38199. Sample no. 11603-C.)

This case involved an interstate shipment of butter that was deficient in milk fat.

On August 7, 1936, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 400 boxes of butter at Springfield, Mass., consigned about July 27, 1936, alleging that the article had been shipped in interstate commerce by the Armour Creameries, from Fargo, N. Dak., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat.

On September 8, 1936, Armour & Co., having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be reworked so that it contain at least 80 percent of milk fat.

M. L. WILSON, *Acting Secretary of Agriculture.*

26134. Adulteration of crab meat. U. S. v. 2 Barrels of Crab Meat. Default decree of condemnation and destruction. (F. & D. no. 38200. Sample no. 6839-C.)

This case involved an interstate shipment of crab meat that contained filth.

On August 14, 1936, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture filed in the district court a libel praying seizure and condemnation of two barrels of crab meat at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about August 11, 1936, by the Southern Frog Co., from Des Allemands, La., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance.

On September 23, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26135. Adulteration of crab meat. U. S. v. 30 Cans of Crab Meat. Default decree of condemnation and destruction. (F. & D. no. 38201. Sample no. 7795-C.)

This case involved an interstate shipment of crab meat that contained filth.

On August 14, 1936, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 30 cans of crab meat at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about August 11, 1936, by W. C. Larrimore, from St. Michaels, Md., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted of a filthy animal substance.

On September 9, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26136. Adulteration of crab meat. U. S. v. 25 and 80 Cans of Crab Meat. Default decree of condemnation and destruction. (F. & D. no. 38203. Sample no. 7947-C.)

This case involved an interstate shipment of crab meat that contained filth.

On August 14, 1936, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 105 cans of crab meat at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about August 11, 1936, by Coulbourne & Jewett, from St. Michaels, Md., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted of a filthy animal substance.

On September 9, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26437. Adulteration of canned clams. U. S. v. 120 Tins and 3 Cartons of Clams. Default decree of condemnation and destruction. (F. & D. no. 38208. Sample nos. 7247-C, 7248-C.)

This case involved an interstate shipment of canned clams that were in part decomposed.

On August 27, 1936, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 120 tins and 3 cartons of canned clams at Pittsburgh, Pa., alleging that the article was shipped in interstate commerce on or about May 15 and July 23, 1936, by Nozaki Bros., from New York, N. Y., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed animal substance.

On September 22, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26438. Adulteration of blueberries. U. S. v. 112 Crates of Blueberries. Default decree of condemnation and destruction. (F. & D. no. 38209. Sample no. 9250-C, 11623-C.)

This case involved an interstate shipment of blueberries that were infested with maggots.

On August 24, 1936, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 112 crates of blueberries at Brooklyn, N. Y., alleging that the article had been shipped in interstate commerce on or about August 18, 1936, by John Scoblick from Sargentville, Maine, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On September 9, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the article be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26439. Adulteration of monocalcium phosphate. U. S. v. 29 Bags of Phosphate. Default decree of condemnation and destruction. (F. & D. no. 38210. Sample no. 4829-C.)

This case involved an interstate shipment of monocalcium phosphate that contained fluorine, an added poisonous and deleterious ingredient.

On August 24, 1936, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 29 bags of phosphate at East St. Louis, Ill., alleging that the article had been shipped in interstate commerce on or about June 5, 1936, by the Rumford Chemical Works from Rumford, R. I., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Velvet Phosphate Rumford Chemical Company and Rumford Chemical Works."

The article was alleged to be adulterated in that it contained an added poisonous and deleterious ingredient, fluorine, which might have rendered it harmful to health.

On November 25, 1936, no claimant having appeared, decree of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26440. Adulteration of blueberries. U. S. v. 11 Crates of Blueberries. Default decree of condemnation and destruction. (F. & D. no. 38246. Sample no. 11552-C.)

This case involved an interstate shipment of blueberries that were infested with maggots.

On August 27, 1936, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 11 crates of blueberries at Boston, Mass., consigned August 25, 1936, alleging that the article was shipped in interstate commerce by W. C. Robinson from Harrington, Maine, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On November 16, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26441. Adulteration of blueberries. U. S. v. 4 Crates of Blueberries. Default decree of condemnation and destruction. (F. & D. no. 38247. Sample no. 11556-C.)

This case involved an interstate shipment of blueberries that were infested with maggots.

On August 28, 1936, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of four crates of blueberries at Boston, Mass., consigned August 27, 1936, alleging that the article was shipped in interstate commerce by Leonard H. Gray from Ellsworth, Maine, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On November 16, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the article be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26442. Adulteration of cherries. U. S. v. 9 Crates of Cherries. Default decree of condemnation and destruction. (F. & D. no. 38250. Sample no. 14713-C.)

This case involved an interstate shipment of cherries that were contaminated with arsenic and lead.

On August 11, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of nine crates of cherries at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about August 5, 1936, by M. E. Jones, from Bear Lake, Mich., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts which might have rendered it harmful to health.

On October 2, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26443. Adulteration of dried peaches. U. S. v. 200 Cases of Dried Peaches. Default decree of condemnation and destruction. (F. & D. no. 38253. Sample no. 3750-C.)

This case involved dried peaches that were insect-infested, decayed, and dirty.

On September 17, 1936, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 200 cases of dried peaches, alleging that the article had been shipped in interstate commerce on or about August 19, 1936, by Not a Seed Sales Co., from Oakland, Calif., that it was en route, due to arrive at Boston, Mass., on or about September 18, 1936, and that it was adulterated in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed vegetable substance.

On November 16, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26444. Adulteration of cream. U. S. v. 2 Cans of Cream, et al. Order of destruction by consent of consignee. (F. & D. nos. 38258, 38259. Sample nos. 7683-C, 7684-C.)

This case involved interstate shipments of cream that was in various stages of decomposition.

On or about August 1, 1936, the United States attorney for the Northern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of four cans of cream at New Martinsville, W. Va., alleging that the article was shipped in interstate commerce on or about July 30 and July 31, 1936, in various shipments by Albert Pryor from Wipple, Ohio; Mrs. T. E. McCauley from Lower Salem, Ohio; Norman Long from Lowell, Ohio; and Bowser Sales & Trading Corporation from New Matamoras, Ohio, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted of a decomposed and putrid animal substance.

On August 3, 1936, with the consent of the Valley Creamery Co., consignee, New Martinsville, W. Va., and the Bowser Sales & Trading Corporation, it was

ordered that the product be destroyed immediately, as unfit for human consumption.

M. L. WILSON, *Acting Secretary of Agriculture.*

26445. Adulteration of blueberries. U. S. v. 4 Crates of Blueberries. Default decree of condemnation and destruction. (F. & D. no. 38260. Sample no. 16777-C.)

This case involved an interstate shipment of blueberries that were infested with maggots.

On August 31, 1936, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of four crates of fresh blueberries at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 27, 1936, by M. P. Noyes from Franklin, Maine, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On September 29, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26446. Adulteration of canned salmon. U. S. v. 1,521 Cases of Salmon. Consent decree of condemnation. Product ordered released under bond. (F. & D. no. 38263. Sample nos. 2700-C, 11083-C.)

This case involved canned salmon that was in part decomposed.

On September 8, 1936, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,521 cases of salmon at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about August 16, 1936, by A. S. Day from Dayville, Alaska, and charging adulteration in violation of the Food and Drugs Act. (The manifest showed the shipper as North Pacific Sea Foods Co.)

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On September 14, 1936, the North Pacific Sea Foods Co., Valdez, Alaska, having appeared as claimant, judgment of condemnation was entered and it was ordered that the product be released under bond, subject to compliance with the provisions of the Food and Drugs Act.

M. L. WILSON, *Acting Secretary of Agriculture.*

26447. Adulteration of cheese. U. S. v. 68 Dozen Cans and 16 Dozen Cellophane Bags of Cheese. Default decree of condemnation and destruction. (F. & D. no. 38266. Sample no. 8519-C.)

This case involved grated cheese that contained pieces of worms, insects, rodent hairs, and dirt.

On September 10, 1936, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 68 dozen cans and 16 dozen bags of grated cheese at Albany, N. Y., alleging that the article had been shipped in interstate commerce on or about August 11, 1936, by J. Colonna from Union City, N. J., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "The Cook's Grated Cheese [or 'The Cook's Imported Grated Cheese'] * * * packed by J. Colonna, Union City, N. J."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance.

On October 17, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26448. Adulteration of crab meat. U. S. v. Seventy-two 1-Pound and Six 5-Pound Tins of Crab Meat. Consent decree of condemnation and destruction. (F. & D. no. 38280. Sample no. 7812-C.)

This case involved an interstate shipment of crab meat that was polluted.

On August 31, 1936, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 78 tins of crab meat at Pittsburgh, Pa., alleging that the article had been shipped in interstate com-

merce on or about August 26, 1936, by A. N. Faulkner from Annapolis, Md., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On September 1, 1936, with the consent of consignee, the Live Fish Co., Pittsburgh, Pa., judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26449. Adulteration of canned salmon. U. S. v. 1,720, 6,707, and 4,190 Cases and 35 Cartons of Salmon. Consent decrees of condemnation. Product released under bond. (F. & D. nos. 38290, 38375, 38420, 38442. Sample nos. 10916-C, 10924-C, 23785-C, 23797-C, 23814-C, 23825-C.)

These cases involved interstate shipments of salmon that was in part decomposed.

On September 11, September 30, October 14, and October 21, 1936, the United States attorney for the Western District of Washington, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 12,617 cases and 35 cartons of salmon at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about August 15, 20, 28, and 30, 1936, by the Lindenberger Packing Co., from Craig, Alaska, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On September 25, October 15, and October 23, 1936, the Lindenberger Packing Co. having appeared as claimant, and having consented to the entry of decrees, judgments of condemnation were entered and it was ordered that the product be released under bond, conditioned that it be disposed of only in compliance with the law.

M. L. WILSON, *Acting Secretary of Agriculture.*

26450. Adulteration of pears. U. S. v. 292 Bushels of Bartlett Pears. Consent decree of condemnation. Product ordered released under bond, subject to cleaning and conditioning. (F. & D. no. 38292. Sample no. 4753-C.)

These pears were contaminated with arsenic and lead.

On September 1, 1936, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 292 bushels of Bartlett pears at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about August 27, 1936, by the E. O. Muir Co., from Caryhurst, Utah, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Bartlett Pears. Grown & Packed by D. M. Crandall & Sons, Provo, Utah."

The article was alleged to be adulterated in that it contained poisonous or deleterious ingredients, arsenic and lead, which might have rendered it injurious to health.

On September 3, 1936, Brow & Loe, a partnership, Kansas City, Mo., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond, subject to reconditioning and cleaning.

M. L. WILSON, *Acting Secretary of Agriculture.*

26451. Adulteration of blueberries. U. S. v. 15 Crates and 15 Crates of Blueberries. Default decrees of condemnation and destruction. (F. & D. nos. 38294, 38295. Sample nos. 9188-C, 11637-C.)

These cases involved blueberries that were infested with maggots.

On September 4, 1936, the United States attorneys for the Southern District of New York and the District of Massachusetts, acting upon reports by the Secretary of Agriculture, filed in the district courts libels praying seizure and condemnation of 15 crates of blueberries at New York, N. Y., and 15 crates of blueberries at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about September 2 and 3, 1936, by W. E. Bailey from Columbia Falls, Maine, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On September 24 and November 6, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26452. Adulteration of canned salmon. U. S. v. 6,207 Cartons and 3,614 Cartons of Salmon. Consent decree of condemnation. Product ordered released under bond. (F. & D. no. 38310. Sample nos. 11086-C, 11087-C, 22005-C, 22006-C.)

This case involved canned salmon that was in part decomposed.

On September 16, 1936, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 9,821 cartons of salmon at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about August 12, 1936, by the Alaska Southern Packing Co., from False Pass, Alaska, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of decomposed animal substance.

On November 5, 1936, the Alaska Southern Packing Co., having appeared as claimant, consent decree of condemnation was entered and it was ordered that the product be released under bond, subject to compliance with the requirements of law.

M. L. WILSON, *Acting Secretary of Agriculture.*

26453. Adulteration of apples. U. S. v. 48 Baskets of Apples. Default decree of condemnation. Product ordered released for charitable purposes, upon being peeled and cored. (F. & D. no. 38313. Sample no. 4859-C.)

This case involved an interstate shipment of apples that were contaminated with arsenic and lead.

On September 8, 1936, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 48 baskets of apples at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about August 9, 1936, by Joe Kamp's Packing Shed from Kampsville, Ill., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Cicardi Bros., Kampsville, Ill."

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On September 25, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be delivered to a charitable organization, subject first to being conditioned for human consumption by being peeled and cored.

M. L. WILSON, *Acting Secretary of Agriculture.*

26454. Adulteration of apples. U. S. v. 150 Baskets of Apples. Consent decree of condemnation and destruction. (F. & D. no. 38314. Sample no. 5007-C.)

This case involved an interstate shipment of apples that were contaminated with arsenic and lead.

On September 5, 1936, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 150 baskets of apples at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about July 30, 1936, by George Wienecke, from Golden Eagle, Ill., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On September 16, 1936, claimant having waived all rights in the premises, consent decree of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26455. Adulteration of pickles. U. S. v. 1 Barrel of Sour Pickles and 1 Barrel of Dill Pickles. Default decree of condemnation and destruction. (F. & D. no. 38337. Sample nos. 4625-C, 4626-C.)

This case involved an interstate shipment of pickles that contained filth.

On September 24, 1936, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one barrel of sour pickles and one barrel of dill pickles at Richmond, Mo., alleging that the article had been shipped in interstate commerce on or about August 10, 1936, by Thies

Pickle Co. from Pepin, Wis., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On November 4, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26456. Adulteration of canned salmon. U. S. v. 298 Cases of Salmon. Consent decree of condemnation. Product ordered released under bond. (F. & D. no. 38338. Sample nos. 11293-C, 11294-C, 21832-C, 21833-C.)

This case involved a shipment of canned salmon that was in part decomposed.

On September 25, 1936, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 298 cases of canned salmon at Astoria, Oreg., alleging that the article had been shipped in interstate commerce on or about August 18, 1936, by Columbia River Packers Association from Nushagak, Alaska, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On October 6, 1936, Columbia River Packers Association having appeared as claimant, consent decree of condemnation was entered and it was ordered that the product be released under bond, conditioned that it should not be disposed of in violation of the law.

M. L. WILSON, *Acting Secretary of Agriculture.*

26457. Adulteration of butter. U. S. v. 15 Tubs and 44 Tubs of Butter. Consent decree of condemnation. Butter ordered released under bond to be reworked. (F. & D. nos. 38364, 38381. Sample nos. 14524-C, 14525-C.)

These cases involved interstate shipments of butter that was deficient in milk fat.

On September 2 and September 14, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 59 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce in part on or about August 19, 1936, by the Arkansas Valley Cooperative Creamery from Hutchinson, Kans., and in part on or about August 21, 1936, by Producers Creamery from Kirksville, Mo., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat, as required by the act of Congress of March 4, 1923.

On September 18, 1936, the cases having been consolidated for hearing, and the Land O' Lakes Creamery, Inc., Chicago, Ill., claimant, having consented to a decree, judgment of condemnation was entered and it was ordered that the product be released under bond for the purpose of reworking.

M. L. WILSON, *Acting Secretary of Agriculture.*

26458. Adulteration of butter. U. S. v. 1,832 Pounds of Butter. Consent decree of condemnation and destruction. (F. & D. no. 38365. Sample no. 15758-C.)

This case involved an interstate shipment of butter that contained maggots and flies.

On September 17, 1936, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,832 pounds of butter at Atlanta, Ga., alleging that the article had been shipped in interstate commerce on or about September 15, 1936, by the Rosemary Creamery, of Atlanta, Ga., in its own truck, from Fort Payne, Ala., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy and decomposed animal substance.

On September 18, 1936, the Rosemary Creamery having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26459. Adulteration of butter. U. S. v. 72 Boxes of Butter. Consent decree of condemnation. Product released under bond to be disposed of as poultry feed. (F. & D. no. 38366. Sample nos. 17027-C, 17028-C.)

This case involved an interstate shipment of butter the contents of which was contaminated with mold, rodent hairs, or other extraneous material.

On September 22, 1936, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 72 boxes of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about September 11, 1936, by the Lakota Creamery Co., from Lakota, N. Dak., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in part of a filthy animal substance.

On November 18, 1936, the Lakota Creamery Co. having appeared as claimant, consent decree of condemnation was entered. It was ordered that the product be released under bond, subject to reconditioning as a byproduct for poultry feed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26460. Adulteration of canned salmon. U. S. v. 863 Cases of Salmon. Consent decree of condemnation. Product ordered released under bond. (F. & D. no. 38386. Sample nos. 22062-C, 22105-C.)

This case involved canned salmon that was in part decomposed.

On October 6, 1936, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 863 cases of red salmon at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about August 10, 1936, by the Douglas Fisheries Co., from Douglas, Alaska, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On October 10, 1936, the Douglas Fisheries Co., Inc., having appeared as claimant, judgment of condemnation was entered and it was ordered that the product be released under bond subject to compliance with the provisions of the Food and Drugs Act.

M. L. WILSON, *Acting Secretary of Agriculture.*

26461. Adulteration of tomato paste. U. S. v. 490 Cases of Canned Tomato Paste. Decree of destruction. (F. & D. no. 38390. Sample no. 5675-C.)

This case involved tomato paste that was undergoing active bacterial spoilage and that was in part decomposed.

On October 6, 1936, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 490 cases of canned tomato paste at Cleveland, Ohio, alleging that the article had been shipped in interstate commerce on or about September 10, 1936, by Flotill Products, Inc., from Stockton, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Flotta Brand Pure Tomato Paste * * * Flotill Products, Inc., Stockton, Calif."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On October 16, 1936, the consignee having requested that the product be destroyed because of its rotten and fermenting condition, judgment was entered ordering its destruction. Subsequent examination showed that 177 cases of the product were in good condition and they were ordered released on November 10, 1936.

M. L. WILSON, *Acting Secretary of Agriculture.*

26462. Adulteration of apples. U. S. v. 53 Bushels of Apples. Consent decree of forfeiture. Product ordered delivered to a charitable institution. (F. & D. no. 38392. Sample no. 4542-C.)

This case involved apples that were contaminated with arsenic and lead.

On or about September 28, 1936, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 53 bushels of Delicious apples at Kansas City, Mo., transported from Troy, Kans., by truck of Paul Herring, alleging that the article had been shipped in interstate com-

merce on or about September 24, 1936, and that it was in possession of Paul Herring, Kansas City, Mo., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it injurious to health.

On October 2, 1936, Paul Herring, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of forfeiture was entered and it was ordered that the apples be delivered to some charitable institution on condition that they be peeled before being used.

M. L. WILSON, *Acting Secretary of Agriculture.*

26463. Adulteration of butter. U. S. v. 65 Tubs of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. & D. no. 38395. Sample no. 14102-C.)

This case involved butter that was deficient in milk fat.

On September 21, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 65 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about September 1, 1936, by the Salt City Creamery Co., from Oklahoma City, Okla., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat, as provided by the act of March 4, 1923.

On October 26, 1936, Charles F. Dauber and Rudolph C. Dauber, trading as Dauber Bros., at Chicago, Ill., claimants, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be reworked under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

26464. Adulteration of tomato puree. U. S. v. 46 Cases of Canned Tomato Puree. Default decree of condemnation and destruction. (F. & D. no. 38399. Sample no. 12495-C.)

This case involved tomato puree that contained excessive mold.

On October 6, 1936, the United States attorney for the Eastern District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 46 cases of canned tomato puree at Newport, Ky., shipped on or about September 14, 1936, by the Sheridan Packing Co., alleging that the article had been shipped in interstate commerce from Sheridan, Ind., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Sheridan Brand Tomato Puree. * * * Packed by Sheridan Packing Company, Sheridan, Indiana."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy, decomposed, and putrid vegetable substance.

On November 5, 1936, no claimant have appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26465. Adulteration of apples. U. S. v. 54 and 42 Bushel Baskets of Apples. Default decree of condemnation and forfeiture. Product delivered to a charitable institution. (F. & D. no. 38401. Sample nos. 21432-C, 21433-C.)

This case involved apples that were contaminated with arsenic and lead.

On September 30, 1936, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 96 bushels of apples at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about September 4 and September 8, 1936, by Langer Bros., from Kamps-ville, Ill., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On October 28, 1936, no claimant having appeared, judgment of condemnation and forfeiture was entered and it was ordered that the product be delivered

to a charitable organization, and that said organization peel and core the apples and destroy the peelings so that they would be fit for consumption.

M. L. WILSON, *Acting Secretary of Agriculture.*

26466. Adulteration and misbranding of butter. U. S. v. 9 Cases of Butter. Default decree of condemnation and destruction. (F. & D. no. 38404. Sample no. 13659-C.)

This case involved butter that was deficient in milk fat.

On October 1, 1936, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of nine cases of butter at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about September 10, 1936, by the De Luxe Foods Corporation from Senatobia, Miss., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Parchment wrapper) "Butter * * * De Luxe Foods Corporation New Orleans, La."

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat, as provided by the act of March 4, 1923.

The article was alleged to be misbranded in that it was labeled "butter", which was false and misleading since it contained less than 80 percent by weight of milk fat.

On November 27, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26467. Adulteration of canned salmon. U. S. v. 1,814 Cartons of Canned Salmon. Consent decree of condemnation. Product ordered released under bond. (F. & D. no. 38407. Sample nos. 22240-C, 22245-C.)

This case involved salmon that was in part decomposed.

On October 9, 1936, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,814 cartons of canned salmon at Seattle, Wash., alleging that the article had been shipped in interstate commerce by the Ocean Packing Co., on or about September 11, 1936, from Klawock, Alaska, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On October 13, 1936, the Ocean Packing Co., having appeared as claimant and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond, conditioned that it not be sold or disposed of in violation of the Food and Drugs Act.

M. L. WILSON, *Acting Secretary of Agriculture.*

26468. Adulteration of apples. U. S. v. 516 Bushels of Apples. Decree of condemnation. Product ordered released under bond. (F. & D. no. 38428. Sample no. 4644-C.)

This case involved an interstate shipment of apples that were contaminated with lead and arsenic.

On October 3, 1936, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 516 bushels of Jonathan apples at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about September 18, 1936, by the F. H. Simpson Co., from Fall Creek, Ill., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained poisonous and deleterious ingredients, lead and arsenic, which might have rendered it harmful to health.

On October 15, 1936, the Mallin Produce Co., Kansas City, Mo., having appeared as claimant, judgment of condemnation was entered and it was ordered that the product be released under bond, conditioned that the fruit be washed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26469. Adulteration of apples. U. S. v. 80 Baskets of Apples. Default decree of condemnation and destruction. (F. & D. no. 38431. Sample no. 15439-C.)

This case involved an interstate shipment of apples that were contaminated with lead.

On October 9, 1936, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 80 baskets of apples at Philadelphia, Pa., alleging that the article had been shipped on or about October 8, 1936, by Presaon T. Roberts from Moorestown, N. J., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it harmful to health.

On November 26, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26470. Adulteration and misbranding of butter. U. S. v. 5 Cases and 2 Cases of Butter. Decrees of condemnation. Product ordered destroyed or delivered to a charitable institution. (F. & D. nos. 38433, 38436. Sample nos. 21841-C, 21842-C.)

These cases involved interstate shipments of butter that was deficient in milk fat.

On September 30, 1936, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of seven cases of butter at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about September 25, 1936, by the Progress Creamery from Vancouver, Wash., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Print) "Distributor No. 14 Springbrook Butter * * * Springbrook Dairy, Portland, Oregon."

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat.

The article was alleged to be misbranded in that it was labeled "Butter", which was false and misleading and tended to deceive the purchaser when applied to a product containing less than 80 percent by weight of milk fat.

On November 5, 1936, no claimant having appeared, decrees of condemnation were entered and it was ordered that the product be destroyed or delivered to an institution for charity.

M. L. WILSON, *Acting Secretary of Agriculture.*

26471. Adulteration of tomato puree. U. S. v. 94 Cases of Tomato Puree. Default decree of condemnation and destruction. (F. & D. no. 38444. Sample no. 18475-C.)

This case involved an interstate shipment of tomato puree that contained excessive mold.

On October 21, 1936, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 94 cases of tomato puree at Erie, Pa., alleging that the article had been shipped in interstate commerce on or about September 24, 1936, by the Brocton Preserving Co., from Brocton, N. Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Blue & White Brand Tomato Puree * * * Red & White Corp'n., Distributors, Chicago, Ill., Buffalo, N. Y., San Francisco, Cal."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On November 12, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26472. Adulteration of tomato paste. U. S. v. 16½ Cases of Tomato Paste. Default decree of condemnation and destruction. (F. & D. no. 38445. Sample no. 18478-C.)

This case involved an interstate shipment of tomato paste that contained excessive mold.

On October 22, 1936, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 16½ cases of

tomato paste at Erie, Pa., alleging that the article had been shipped in interstate commerce on or about September 11, 1936, by the Gervas Canning Co., from Forestville, N. Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Benito Brand Tomato Paste * * * Packed by Stanley Packing Co., Inc. Forestville, N. Y."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

On November 12, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26473. Adulteration of chubs. U. S. v. 3 Boxes of Chubs. Default decree of condemnation and destruction. (F. & D. no. 38494. Sample no. 17112-C.)

This case involved a foreign shipment of chubs (fish) that were infested with worms.

On October 23, 1936, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of three boxes of chubs at New York, N. Y., alleging that the article had been shipped in foreign commerce on or about October 20, 1936, by the Main Fish Co., Ltd., from Montreal, Canada, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in part of a filthy animal substance and that it consisted of portions of animals unfit for food.

On November 10, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26474. Misbranding of butter. U. S. v. 4 Cases of Butter. Default decree of condemnation and destruction. (F. & D. no. 38504. Sample no. 13856-C.)

This case involved butter that was short weight.

On October 24, 1936, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of four cases of butter at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about October 13, 1936, by the Jerpe Dairy Products Corporation from Fayetteville, Ark., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: (Retail carton) "Clear Brook Creamery Butter Distributed by Wilson & Co. * * * Chicago, Ill.

The article was alleged to be misbranded in that it was labeled, "Net Weight 1 Pound" on the cartons, "¾ lb. Net Weight" on the parchment wrappers, and "32 lbs. net" on the shipping cases, which statements were false and misleading in that the packages contained less than declared. It was further alleged to be misbranded in that it was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package since the quantity stated on the package was not correct.

On November 27, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26475. Adulteration of butter. U. S. v. 5 Cans of Butter. Default decree of condemnation and destruction. (F. & D. no. 38536. Sample nos. 16473-C, 16475-C.)

This case involved an interstate shipment of butter that contained mold, maggots, human, cow, and rodent hairs, insects and fragments of insects, and nondescript filth.

On October 31, 1936, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of five cans of butter at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about October 26, 1936, by Williams & Evans from Flat Cap, Ky., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On December 8, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

INDEX TO NOTICES OF JUDGMENT 26301-26475

Ale. <i>See</i> Beverages and beverage bases.		
Alimentary paste—		
noodles:	N. J. no.	
Hinode Macaroni Co., Ltd.	26351	
Hinode Noodle Manufacturing Co.	26351	
Apples:		
Cicardi Bros.	26453	
Garrett, R. Y.	26394	
Herring, Paul	26462	
Kamp's, Joe, Packing Shed	26453	
Langer Bros.	26465	
Roberts, P. T.	26460	
Shields Fruit Co., Inc.	26393	
Simpson, F. H., Co.	26468	
Toll, Elizabeth	26393	
Wienecke, George	26454	
evaporated:		
Engleson, M. O., & Co.	26350, 26360	
Apricot juice. <i>See</i> Beverages and beverage bases.		
Apricots, canned:		
Idaho Canning Co.	26327	
Beverages and beverage bases—		
ale:		
Oertel Co.	26342	
apricot juice:		
Morcy Mercantile Co.	26339	
Richmond-Chase Co.	26339	
Lemonina:		
Lemonina Products Corporation	26305	
malt, chocolate:		
General Desserts Corporation	26315	
malted milk, chocolate-flavored:		
Canada's Pride Products, Co., Inc.	26355	
Circle Foods, Inc.	26348, 26357	
Laxseed Co., Inc.	26405	
Sherer, C. T., Co.	26405	
United Fruit Stores, Inc.	26355	
Maltomilko:		
Goodman Products Corporation	26374	
Paradise Packing Co.	26374	
tomato juice:		
Robinson Canning Co.	26307	
Webster, G. L., Co., Inc.	26422	
wine:		
Eastern Wine Corporation	26308	
Blueberries:		
Bailey, W. E.	26451	
Estlow, Francis	26423	
Gray, L. H.	26441	
Gulick, J. J.	26399	
Kurt Bros.	26417	
Noyes, M. P.	26445	
Robinson, W. C.	26440	
Saladigo, Paul	26398	
Seoblick, John	26438	
Butter. <i>See</i> Dairy products.		
Candy. <i>See</i> Confectionery.		
Cheese. <i>See</i> Dairy products.		
Cherries:		
Beckhorn, Fred	26397	
Bolling, George	26431	
Johnson, E. F., & Co.	26396	
Jones, M. E.	26442	
Mallich, Bert	26400	
Chocolate-flavored malted milk. <i>See</i> Beverages and beverage bases, malted milk.		
Chocolate malt. <i>See</i> Beverages and beverage bases, malt.		
Chubs. <i>See</i> Fish.		
Clams. <i>See</i> Shellfish.		
Coconut, shredded:	N. J. no.	
Far Eastern Manufacturing Co.	26309	
Confectionery:		
Peoples Drug Stores, Inc.	26301	
Rossello, Vincente	26337	
Corn, canned:		
Billman, Otto, & Co., Inc.	26311	
Cottonseed cake. <i>See</i> Feed.		
Crab meat. <i>See</i> Shellfish.		
Cream. <i>See</i> Dairy products.		
Currants:		
Kelder, Otto	26395	
Otzen Packing Co.	26317	
Dairy products—		
butter:		
Arkansas Valley Cooperative Creamery	26457	
Armour Creameries	26433	
Beatrice Creamery Co.	26414	
De Luxe Foods Corporation	26466	
Farmers Marketing Association	26391	
Gerlach Grain & Produce Co.	26377	
Interstate Associated Creameries	26381	
Jerpe Dairy Products Corporation	26474	
Klamath Falls Creamery	26380	
Lakeville Creamery Co.	26415	
Lakota Creamery Co.	26459	
Land O'Hills Creamery	26352	
Leslie Co., Ltd.	26381	
Linwood Creamery Co.	26392	
Merritt, J. M.	26375	
Nelson-Ricks Creamery Co.	26343	
Olsen, N. J.	26343	
Omaha Cold Storage Co.	26360	
Producers Creamery	26457	
Progress Creamery	26470	
Rose Arctic Ice Cream & Bottling Co.	26361	
Rosemary Creamery	26458	
Salt City Creamery Co.	26463	
Springbrook Dairy	26470	
Swiss Butter Plant	26375	
Watkins, Leo	26375	
Wilcox Produce Co.	26432	
Williams & Evans	26475	
Wilson & Co.	26359, 26474	
cheese:		
Colonna, J.	26447	
Northroad Cheese Factory	26302	
cream:		
Bolyard, Ira	26413	
Bowers, M. K.	26410, 26412	
Bowler Sales & Trading Corporation	26444	
Bragg, W. H.	26409	
Broadwater, J. H.	26412	
Broadwater, Ralph	26409	
Bushhausen, Daniel	26390	
Butcher, H. A.	26409	
Cain, W. L.	26409	
Chesapeake Creameries, Inc.	26371, 26373	
Cross, Laban	26409	
Daugherty, W. O.	26409	
D. C. S. Co.	26410	

Dairy products—Continued.		N. J. no.	Fish—Continued.		N. J. no.
cream—continued.			sardines, canned:		
Del Norte Milk Products Co.	26407		Coelho Bros.	26429	
Farmers Supply Co.	26409		tullibees:	26328, 26329	
Fisher, J. T., & Sons.	26408,		whitefish:		
	26413		Straker, A.	26389	
Freeland & Fletcher.	26412		Flour:		
Furr, B. M.	26412		First National Stores, Inc.	26335	
Gartner, M. J.	26413		Noblesville Milling Co.	26335	
Grandstaff, G. F.	26373		Washburn Crosby Co., Inc.	26338	
Grimm, B. M.	26412		Fruit spread:		
Grimm, Walt.	26409		California Fruit Products, Ltd.	26404	
Hartley, L. H.	26408		Huckleberries:		
Hartman, S. L.	26409		Merlino, F. S.	26416	
Haught, Emma.	26409		Murphy, J. A.	26370	
Heckert, Effie.	26409		Jam:		
Hinkle, D. C.	26409, 26410		Tea Garden Products Co.	26347 ✓	
Ice, S. E.	26409		Lard substitute:		
Jensen, Magnus.	26390		Capital City Products Co.	26333	
Johnson, Walter.	26412		Lemonina. See Beverages and bev-		
Kaltreider, Urias.	26372		erage bases.		
Kinsley, J. F.	26390		Linseed meal. See Feed.		
Kirk, Mrs. W. V.	26410		Malted milk. See Beverages and bev-		
Kraft, A. A.	26390		erage bases.		
Leichter, J. G.	26408		Maltomilko. See Beverages and bev-		
Leichter, Lyle.	26409		erage bases, malted milk.		
Liming, N.	26409		Marmalade:		
Long, Norman.	26444		Tea Garden Products Co.	26347 ✓	
Losh, Mrs. O.	26410		Noodles. See Alimentary paste.		
McCauley, Mrs. T. E.	26444		Nuts—		
Mendenhall, I. E.	26410, 26413		walnut meats:		
Nester, Ina.	26411		Fisher, Herman C., Co.	26384	
Peters, J. H.	26371		Oil, vegetable, edible:		
Poe, Belle.	26410		Acomo Fo Luca.	26356	
Poling, H. O.	26409		Bettola Grocery.	26356	
Pryor, Albert.	26444		Chicago Macaroni Co.	26330	
Riggenbach, G. W.	26408		Durkee Famous Foods.	26358	
Ritter, R. O.	26408		Morici, A., & Matalone, G., Co.	26330	
Rose, F. W.	26390		Moscablades Bros., Inc.	26341	
Schmeckle, E. J.	26390		Pacific Pharmacal Labora-		
Snyder, G. F.	26408		tories.	26334	
Somerville, S. W.	26372		Raduazzo, L.	26322	
Swisher, Burgett.	26412		Superior Laboratory.	26334	
Tennant, Mrs. Elias.	26409		Swift & Co.	26406	
Wedell, C. C.	26390		See also Shortening.		
Weston Cream Station.	26411		Olive oil. See Oil, vegetable, edible.		
Woldseth, Hans.	26390		Olives:		
Zipf, C. E.	26410		Lindsay Ripe Olive Co.	26340	
Dog and cat food:			dried:		
Atlas Canning Co., Inc.	26346		Lucca Olive Oil Co.	26354	
Doyle Packing Co.	26349		Peaches, dried:		
Maryland Grocery Co.	26346		Not a Seed Sales Co.	26443	
Natural Food Product Co.	26349		Peanut butter:		
Puro Pet Foods Co., Inc.	26349		Southgate Foods, Inc.	26401 ✓	
Reisler, H.	26349		Pears:		
Rex Warehouse.	26349		Crandall, D. M., & Sons.	26450	
Feed—			Muir, E. O., Co.	26450	
cottonseed cake:			Peas, canned:		
Southland Cotton Oil Co.	26378		American Grocery Co.	26304	
linseed meal:			Burk, P. J., Canning Co., Inc.	26313	
Bisbee Linseed Co.	26385		Carroll-Brough-Robinson.	26326	
wheat, gray shorts and screenings:			Smith Canning Co.	26326	
Model Mill Co.	26382		Webster, G. L., Co., Inc.	26304	
Fish—			Phosphate, monocalcium:		
chubs:			Rumford Chemical Co.	26439	
Main Fish Co., Ltd.	26473		Rumford Chemical Works.	26439	
salmon, canned:			Pickles:		
Alaska Southern Packing Co.	26452		Thies Pickle Co.	26455	
Columbia River Packers Asso-			Preserves:		
ciation.	26456		Crosse & Blackwell Co.	26320 ✓	
Day, A. S.	26446		Eastern Wholesale Grocery Co.	26303 ✓	
Deep Sea Salmon Co.	26325		Goodwin Preserving Co.	26323 ✓	
Douglas Fisheries Co.	26460		Kansas City Foods, Inc.	26318 ✓	
Grimes, O. L.	26379		Kansas City Syrup & Preserv-		
Grimes Packing Co.	26379		ing Co.	26318 ✓	
Kadiak Fisheries Co.	26376		Merchants Wholesale Grocery		
Lighthouse Packing Co.	26310		Co.	26319 ✓	
Lindenberger Packing Co.	26440		National Fruit Canning Co.	26383 ✓	
McBride, William W., Co.	26310		Preserves & Honey, Inc.	26319 ✓	
New England Fish Co.	26321		Schloss & Kahn Grocery Co.	26323 ✓	
North Pacific Sea Foods	26324, 26446		Tea Garden Products Co.	26347 ✓	
Co.	26467		White Gate Products Corpora-		
Ocean Packing Co.	26325		tion.	26303, 26306, 26312	
Oceanic Sales Co.	26386		Raspberries:		
Seufert Bros. Co.	26386		Johnson, H. A., Co.	26430	
Seufert Bros. Packing Co.	26386		Salad oil. See Oil, vegetable, edible.		
Valdez, First Bank of.	26324				
Washington Fish & Oyster Co.	26331				

Salmon. <i>See</i> Fish.	N. J. no.	Shortening:	N. J. no.
Sardines. <i>See</i> Fish.		Capital City Products Co.-----	26333
Shellfish—		Shorts. <i>See</i> Feed, wheat.	
clams, canned:		Shrimp. <i>See</i> Shellfish.	
Nozaki Bros.-----	26437	Tomato juice. <i>See</i> Beverages and bev-	
crab		erage bases.	
meat:		paste:	
Bayview Fish Co.-----	26364	Flotill Products, Inc.-----	26461
Coulbourne & Jewett-----	26436	Gervas Canning Co.-----	26472
Crisfield Packing Co.-----	26420	Stanley Packing Co., Inc.-----	26472
Dryden, Carol, & Co.-----	26421	puree:	
East End Fish & Oyster Co.-----	26418	Brocton Preserving Co.-----	26471
Faulkner, A. N.-----	26448	McClintock-Trunkley Co.-----	26314
Handy, J. T.-----	26428	Red & White Corporation-----	26471
Howeth, Chas. W., & Bro.-----	26424	Riona Products Co.-----	26368
Illich, John-----	26403	Saukville Canning Co.-----	26353
Larrimore, W. C.-----	26435	Seiter's, Inc.-----	26314
Milbourne Oyster Co.-----	26425	Sheridan Packing Co.-----	26464
Morgan City Fishery-----	26365	Tomatoes, canned:	
Pelham, J. H., Co.-----	26419	Pulaski Canning Co.-----	26316
Rock, A. & Son-----	26367	Tullibeas. <i>See</i> Fish.	
St. Mary's Seafood Co.-----	26387	Vinegar:	
Sanitary Crab Co.-----	26428	Interstate Fruit Product Co.-----	26344
Skremetta Seafood Co.-----	26363	Ridgeville Cider & Vinegar	
Southern Frog Co.-----	26434	Co.-----	26344
White & Nelson-----	26427	Walnuts. <i>See</i> Nuts.	
Winstead-Bloxom-Jones Co.,		Whitefish. <i>See</i> Fish.	
Inc-----	26366	Wine. <i>See</i> Beverages and beverage	
Ziblich, Paul, Co., Inc.-----	26362,	bases.	
	26388	Yeast:	
shrimp, canned:		Food Distributing-----	26345
Acme Packing Co.-----	26332	Stodsky, Chas.-----	26345
Clover Farm Stores-----	26336	U. S. Cold Storage-----	26345
Deer Island Fish & Oyster Co.-----	26336		
Rice Bros. Packing Co.-----	26332		

United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

26476-26525

[Approved by the Acting Secretary of Agriculture, Washington, D. C., March 26, 1937]

26476. Misbranding of Katro-Lek. U. S. v. 130 Bottles of Katro-Lek. Consent decree of condemnation and destruction. (F. & D. no. 32598. Sample nos. 67860-A, 67861-A.)

This case involved an interstate shipment of Katro-Lek the package of which and an accompanying circular bore and contained false and fraudulent representations regarding the curative or therapeutic effects of the article.

On April 26, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 130 bottles of Katro-Lek at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about April 3, 1933, from Boston, Mass., by the W. Wojtasinski Drug Co., and that it was misbranded in violation of the Food and Drugs Act as amended.

Analysis of the article showed that it consisted essentially of small proportions of iron and ammonium compounds, extracts of plant drugs including a laxative drug, beef extract, sugar, and water.

The article was alleged to be misbranded in that statements regarding its curative or therapeutic effects, borne on the package and contained in an accompanying circular, falsely and fraudulently represented that the article would be effective as a remedy for stomach troubles and ailments; would be beneficial in the treatment of gastritis, dyspepsia, and indigestion; would give relief in dyspepsia and indigestion caused by excess stomach acids; would increase the red corpuscles of the blood; would cure and would restore to health in cases of stomach trouble and general run-down conditions; would restore health and strength impaired or lost as the effect of surgical operations; would regulate the digestive organs and give tone to the body; and would relieve and would restore health in chronic cases of stomach troubles and ailments, headaches, nervousness, and run-down conditions.

On June 8, 1936, the claimant having admitted the allegations of the libel and having consented to a decree, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON,

Acting Secretary of Agriculture.

26477. Misbranding of Old Indian Herb Laxative. U. S. v. Pearson Remedy Co., a corporation. Plea of nolo contendere. Fine, \$100. (F. & D. no. 83999. Sample no. 6270-B.)

This case involved an interstate shipment of Old Indian Herb Laxative the package of which bore and contained false and fraudulent representations regarding the curative or therapeutic effects of the article.

On June 25, 1935, the United States attorney for the Middle District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Pearson Remedy Co., a corporation,

Burlington, N. C., charging shipment by said corporation in violation of the Food and Drugs Act as amended, on or about August 9, 1934, from the State of North Carolina into the State of Florida, of a quantity of Old Indian Herb Laxative that was misbranded.

Analysis showed that the article consisted essentially of extracts of plant drugs including aloe, alcohol, and water.

The article was alleged to be misbranded in that statements, borne on the bottle labels and on the enclosing cartons and contained in an accompanying circular, falsely and fraudulently represented that the article was a tonic and blood purifier; was effective to benefit the sick, regardless of what their troubles might be; was effective as a preventive of sickness; was effective to regulate the bowels; was effective as a treatment, remedy, and cure for colic or acute indigestion, severe pains in the stomach, fretfulness and restlessness in babies, and to insure refreshing sleep to babies; and was effective as a treatment, remedy, and cure for eczema, indigestion, female trouble, bad coughs, sore chests, gallstones, stomach trouble, pellagra, and blood boils.

On May 18, 1936, a plea of *nolo contendere* was entered on behalf of the defendant corporation, and the court imposed a fine of \$100.

M. L. WILSON,
Acting Secretary of Agriculture.

26478. Misbranding of Codi's Red Star. U. S. v. 216 Bottles of Codi's Red Star. Default decree of condemnation and destruction. (F. & D. nos. 35538, 35539. Sample nos. 35592-B, 35593-B.)

These cases involved interstate shipments of Codi's Red Star the label of which bore a false and misleading representation as to its antiseptic properties as a mouth wash, and a false and fraudulent representation regarding its curative or therapeutic effect with respect to pyorrhea.

On June 1, 1935, the United States attorney for the Southern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 216 bottles of Codi's Red Star at Logan, W. Va., alleging that the article had been shipped in interstate commerce on or about August 31 and December 15, 1934, by the Codi Laboratories from Pittsburgh, Pa., and that it was misbranded in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of sodium hypochlorite (one lot contained not more than 2.91 percent, and the other, not more than 4.11 percent), sodium chloride, sodium hydroxide, sodium carbonate, and water.

The article was alleged to be misbranded in that the statement, "6 drops Red Star to half glass water provides an antiseptic mouth wash", borne on the label, was false and misleading since the article, when used as directed, would not provide an antiseptic mouth wash. The article was alleged to be misbranded further in that the statement regarding the curative or therapeutic effect of the article, "Tends to prevent and relieve pyorrhea", borne on the label, falsely and fraudulently represented that the article was effective in the treatment or the prevention of pyorrhea.

On May 18, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the article be destroyed.

M. L. WILSON,
Acting Secretary of Agriculture.

26479. Adulteration and misbranding of tincture of aconite. U. S. v. Mutual Pharmacal Co. Pica of guilty. Fine, \$25. (F. & D. no. 35894. Sample no. 29617-B.)

This case involved an interstate shipment of an article, described as "Tincture Aconite", the potency of which was found to be less than 23 percent of the minimum requirement prescribed for tincture of aconite in the United States Pharmacopoeia.

On October 21, 1935, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Mutual Pharmacal Co., a corporation, Syracuse, N. Y., charging shipment by said corporation in violation of the Food and Drugs Act, on or about December 29, 1934, from the State of New York into the State of Pennsylvania of a quantity of an article labeled, "Tincture Aconite (U. S. P.)", that was adulterated.

The article was alleged to be adulterated in that it was sold under and by a name recognized in the United States Pharmacopoeia and differed from the

standard of strength, quality, and purity as determined by the test laid down in said pharmacopoeia, since the article when administered subcutaneously to guinea pigs had a minimum lethal dose of more than 0.00045 cubic centimeter, namely, not less than 0.002 cubic centimeter for each gram of body weight of guinea pig; whereas said pharmacopoeia provided that tincture of aconite should have a minimum lethal dose of not more than 0.00045 cubic centimeter for each gram of body weight of guinea pig, and the standard of strength, quality, and purity of said article was not declared on the container thereof. The article was alleged to be adulterated further in that its strength and purity fell below the professed standard and quality under which it was sold, since the article was represented to be tincture of aconite which conformed to the standard prescribed in the United States Pharmacopoeia; whereas the article was not tincture of aconite which conformed to said standard.

On June 11, 1936, a plea of guilty was entered on behalf of the defendant corporation and the court imposed a fine of \$25.

M. L. WILSON,
Acting Secretary of Agriculture.

26480. Adulteration of pituitary solution. U. S. v. G. W. Carnrick Co. Plea of guilty. Fine, \$200. (F. & D. no. 86977. Sample no. 36311-B.)

This case involved an interstate shipment of an article, labeled "Post. Pituitary", which had a potency less than one twenty-fifth of the potency prescribed for pituitary solution in the United States Pharmacopoeia.

On April 21, 1936, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the G. W. Carnrick Co., a corporation, Newark, N. J., charging shipment by said corporation in violation of the Food and Drugs Act, on or about January 3, 1935, from the State of New Jersey into the State of Massachusetts of a quantity of an article labeled "Post. Pituitary (Liquor Pituitarii)" which was adulterated.

The article was alleged to be adulterated in that it was sold under and by a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down in said pharmacopoeia, since its potency was less than one twenty-fifth of the requirement of said pharmacopoeia and it was practically inert, and the standard of strength, quality, or purity of said article was not declared on the container thereof.

On May 29, 1936, a plea of guilty was entered on behalf of the defendant corporation and the court imposed a fine of \$200.

M. L. WILSON,
Acting Secretary of Agriculture.

26481. Misbranding of Jermite, A Poultry Tonic; Blu-V-Spray, and Jermite Wormer. U. S. v. 55 Bottles of Jermite, A Poultry Tonic, 60 Bottles of Blu-V-Spray, and 10 Bottles of Jermite Wormer. Default decree of condemnation and destruction. (F. & D. nos. 87192, 87193, 87194. Sample nos. 52713-B, 52714-B, 52715-B.)

These cases involved interstate shipments of Jermite, A Poultry Tonic, Blu-V-Spray, and Jermite Wormer, the packages and labels of which bore and contained false and fraudulent representations regarding the curative or therapeutic effects of the articles with respect to diseases of poultry.

On February 17, 1936, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 55 bottles of Jermite, A Poultry Tonic, 60 bottles of Blu-V-Spray, and 10 bottles of Jermite Wormer at Monroe City, Mo., alleging that the articles had been shipped in interstate commerce on or about September 17 and October 25, 1935, by Tim Lake Products, Inc., from Des Moines, Iowa, and that they were misbranded in violation of the Food and Drugs Act as amended.

Analysis of Jermite, A Poultry Tonic, showed that it consisted essentially of iron, copper, magnesium, and sodium sulphates, ferric salicylate, glycerin, oil of anise, and water. Analysis of Blu-V-Spray showed that it consisted of water with small amounts of formaldehyde, glycerin, menthol, thymol, eucalyptol, methyl salicylate, pine oil, salicylic acid, and a blue coloring matter. Analysis of the Jermite Wormer showed that it consisted of iron, copper, magnesium, and sodium sulphates, salicylic acid, oil of anise, oleoresin of aspidium, and water.

Jermite, A Poultry Tonic, was labeled in part: (Bottle) "Tonic * * * Diseased Poultry, * * * Severe Cases, * * * Loss of Appetite * * * Jermite helps keep the entire flock clean inside"; (shipping container) "Tonic * * * For healthier and stronger chicks use Jermite at all times. Jermite is an effective aid for digestive and many intestinal disorders, also simple diarrhea, bowel complaint, ordinary limber neck, swelled head and poisoning by moldy or spoiled foods"; (circular enclosed in shipping container) "Tonic * * * For healthier and stronger chicks use Jermite at all times. Jermite is an effective aid for digestive and many intestinal disorders, also simple diarrhea, bowel complaint, ordinary limber neck, swelled head, and poisoning by moldy or spoiled foods. * * * Smaller amounts of Jermite, or similar products, may prove insufficient to keep the flock in a good healthy, productive condition. * * * Diseased Poultry Severe Cases Loss of Appetite * * * You will find the Jermite-fed bird's intestines practically free from mucous, while the intestines of the bird not fed Jermite will be covered with mucous. * * * The Jermite-fed bird's intestines will be clean as those of a baby chick. * * * Jermite helps keep the entire flock clean inside. * * * Aids in producing 2 lb. fliers in 8 weeks. Acts as a preventative and relief for Diarrhea. Is an effective germicide. Reduces death loss. Cleanses intestinal tract. Controls and regulates the bowel system." Blu-V-Spray was labeled in part: (Bottle) "For Infectious Ailments of Head, Throat and Respiratory Organs * * * spraying house and chicks at least once a week and oftener if infected. * * * Gapes, Bronchitis, Intestinal Flu, Head Colds and other respiratory ailments—* * * Spray Directly on chickens, allowing them to inhale fumes two to four times daily, according to seriousness of infection. * * * Severe cases separate infected poultry while treating." The Jermite Wormer was labeled in part: (Bottle) "Wormer A liquid preparation containing ingredients used in cleaning the intestinal tract and bowel region of certain impurities including Pin, Round and Tape Worms. * * * Do not feed poultry heavily the day before you use Jermite Wormer. The day you use Jermite Wormer, pen the poultry up and put the Wormer in the drinking water. * * * Wormer * * * Keep this before the poultry one full day and then repeat, if necessary, each week for three weeks until satisfactory results have been obtained."

On May 9, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON,
Acting Secretary of Agriculture.

26482. Adulteration and misbranding of Van-Tage. U. S. v. 30 Dozen Bottles of Van-Tage. Default decree of condemnation and destruction. (F. & D. no. 37199. Sample no. 60685-B.)

This case involved an interstate shipment of Van-Tage, the bottle of which and accompanying circulars bore and contained false and fraudulent statements regarding its curative or therapeutic effect.

On February 18, 1936, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 30 dozen bottles of Van-Tage at Salt Lake City, Utah, alleging that the article had been shipped in interstate commerce on or about December 30, 1935, by the Van-Tage Medicine Co., Inc., from Los Angeles, Calif., and that it was misbranded in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of potassium iodide (0.2 gram per 100 milliliters), pepsin (0.1 gram per 100 milliliters), extracts of plant drugs including aloe, glycerin, water, and flavoring material, preserved with salicylic acid.

The article was alleged to be misbranded in that the following statements regarding its curative or therapeutic effects, appearing upon and within the packages of the article falsely and fraudulently represented that the article was capable of producing the effects claimed: (Bottle label) "* * * In any decided sluggish condition, * * *"; (circular headed "Double-Action") "While the medicine is acting on your upper organs, * * * and bloodstream, * * *"; (circular headed "To the millions of Men and Women") design of a healthy man and the statements, "Yours For Health", "I've Made Millions of Sick People Feel Better! Here is a picture of the man who has

manufactured and sold more medicine than any other man alive today! He was a sickly youth—suffering from stomach pains when still a schoolboy. He consulted scores of stomach specialists—underwent innumerable treatments for stomach, bowel, liver and kidney ills. Finally he took up the study of medicine himself and evolved a formula of natural herbs and other medicaments which became the world's largest selling medicine! * * * Van-Tage—the medicine you have just bought. I originated this formula 25 years ago to relieve my suffering from stomach gas, bloating, and kindred ailments. * * * My own medicine made me well * * * I combined herbs that would stimulate the liver to release its bile * * * other herbs to cleanse impurities from the bowels—and still others to stimulate the stomach to proper digestion of food. * * * it made a new man of me! * * * My remarkable restoration to health caused much talk. Many other stomach sufferers came to me begging for my secret. I gave my medicine freely to friends and strangers—and because of its wonderful success with other people, because of the letters of thanks and praise I received, I decided to make this medicine available to everyone. * * * Think of it—Millions of men and women who were half living, dragging listlessly through life racked with pain, unable to eat and drink, unable to enjoy the fullness of life. * * * it helped them * * * you who take my improved Van-Tage will get even greater help in your fight to regain health. To the Millions of Men and Women Who Have been Helped by My Medicine— * * * take the treatment systematically and let its beneficial action continue over a long enough time to get results. This medicine has helped millions of others. Give it a fair trial and it will help you."

The articles were alleged to be misbranded in that the said statements regarding the curative or therapeutic effects of the article, appearing on and within the packages, falsely and fraudulently represented that the articles were capable of producing the effects claimed.

On May 28, 1936, no claimant having appeared, a judgment of condemnation was entered and it was ordered that the products be destroyed.

M. L. WILSON,

Acting Secretary of Agriculture.

26483. Adulteration and misbranding of Physicians & Surgeons Rubbing Alcohol Compound. U. S. v. 15 Gross Bottles of Physicians & Surgeons Rubbing Alcohol Compound. Product delivered to charitable institution. (F. & D. no. 37232. Sample no. 50699-B.)

This case involved an interstate shipment of Physicians & Surgeons Rubbing Alcohol Compound which did not contain ordinary (ethyl) alcohol, but was a mixture of about two-thirds isopropyl alcohol (a compound manufactured from petroleum gases) and about one-third water.

On February 26, 1936, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 gross bottles of Physicians & Surgeons Rubbing Alcohol Compound at Troy, N. Y., alleging that the article had been shipped in interstate commerce on or about October 1, 1935, from Newark, N. J., by the Reo Chemical Corporation, and that it was adulterated and misbranded in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, namely, Rubbing Alcohol Compound, since the article did not contain ordinary (ethyl) alcohol, but was a mixture of about two-thirds isopropyl alcohol and about one-third water. The article was alleged to be misbranded (1) in that the statement on the label, "Rubbing Alcohol Compound", was false and misleading, since the article did not contain ethyl alcohol; and (2) in that the statement on the label, "Absolute Alcohol 70%", was false and misleading, since the product did not contain ethyl alcohol, and the impression created by the statement, i. e., that the article contained ethyl alcohol, was not corrected by the word "Isopropyl" in small letters below the statement "Absolute Alcohol 70%."

On June 2, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be delivered to a public charitable institution.

M. L. WILSON,

Acting Secretary of Agriculture.

26484. Adulteration and misbranding of Slim. Misbranding of Correcol and Hauser Potassium Broth. U. S. v. 119 Packages of Slim. U. S. v. 95 Packages of Correcol and 146 Packages of Hauser Potassium Broth. Default decrees of condemnation and destruction. (F. & D. nos. 37254, 37255, 37256. Sample nos. 66101-B, 66102-B, 66103-B.)

These cases involved interstate shipments of Slim, Correcol, and Hauser Potassium Broth. Slim was represented on the package as made of herbs and fruits and on an accompanying leaflet as containing no drugs and as being absolutely harmless, when it consisted essentially of cathartic drugs and it was not absolutely harmless; and the package bore a false and fraudulent representation regarding the curative or therapeutic effect of the article. Correcol was represented on the package as a food, when it was not a food, and the package bore false and fraudulent representations regarding its curative or therapeutic effect. The Hauser Potassium Broth was essentially a mixture of plant materials containing no greater proportion of potassium than would ordinarily be found in such materials, and the package bore a false and fraudulent representation regarding the curative or therapeutic effect of the article.

On February 26, 1936, the United States attorney for the District of Massachusetts, acting upon reports by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 119 packages of Slim, 95 packages of Correcol, and 146 packages of Hauser Potassium Broth at Boston, Mass., alleging that the articles had been shipped in interstate commerce on or about January 8, January 22, and February 3, 1936, from Milwaukee, Wis., by Modern Health Products, Inc.; that Slim was adulterated and misbranded; and that the remaining products were misbranded in violation of the Food and Drugs Act.

Analyses showed that Slim consisted of senna (approximately 70 percent), orange peel, anise, bladder wrack, buckthorn bark, dried apple, and century flowers; that Correcol consisted largely of seeds of *Lallemantia royleana* (a mucilaginous seed) and a smaller quantity of karaya gum; and that the Hauser Potassium Broth consisted essentially of a mixture of ground dried plant materials including seaweed, alfalfa leaves and stems, okra, potato starch, beet leaves, and rhubarb leaves.

Slim was alleged to be adulterated in that it contained added deleterious ingredients, namely, senna, bladder wrack, and buckthorn bark, which might have rendered the article injurious to health. Said article was alleged to be misbranded in that the statement on the package, "A * * * Beverage * * * A scientific blend of choice herbs and * * * fruits", and the statement in a leaflet accompanying the package, "Slim contains no drugs and is absolutely harmless", were false and misleading since the article consisted essentially of cathartic drugs and was not absolutely harmless. Said article was alleged to be misbranded further in that the statements regarding the curative or therapeutic effect of the article, borne upon the package, "Slim", "Modern Health Products", "A scientific blend of choice herbs and unsprayed fruits which aids in normalizing overweight in a perfectly natural and harmless manner", falsely and fraudulently represented that the article was capable of producing the effect claimed.

Correcol was alleged to be misbranded in that the statement on the package, "Colon Food", was false and misleading since the article was not a food. Said article was alleged to be misbranded further in that the statements regarding the curative or therapeutic effect of the article, borne upon the package, "Correcol The New Corrective Colon Food", "Modern Health Products", "* * * as colonic action becomes more normal take Correcol only twice or once each day until entirely normal", and "* * * for the natural correction of intestinal sluggishness without the pain of irritation of artificial laxatives * * *", falsely and fraudulently represented that the article was not an artificial laxative.

Hauser Potassium Broth was alleged to be misbranded in that the designation of the article borne upon the package, "Potassium Broth", was false and misleading since the article was essentially a mixture of plant materials containing no greater proportion of potassium than would ordinarily be found in plant materials. Said article was alleged to be misbranded further in that the statement regarding the curative or therapeutic effect of the article borne upon the package, "Modern Health Products", falsely and fraudulently represented that the article could be depended upon to maintain or restore the health of the user.

On June 8, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the products be destroyed.

M. L. WILSON,
Acting Secretary of Agriculture.

26485. Misbranding of Pulvex Worm Capsules. U. S. v. 61 Packages of Pulvex Worm Capsules. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 37290. Sample no. 56101-B.)

False and fraudulent curative and therapeutic claims were made for this article.

On March 5, 1936, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of a quantity of Pulvex Worm Capsules at Cincinnati, Ohio, alleging that the article had been shipped in interstate commerce on or about October 14, 1935, by William Cooper & Nephews, Inc., from Chicago, Ill., to Cincinnati, Ohio, and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Package) "Pulvex Worm Capsules for Puppies and Dogs * * * William Cooper & Nephews, Inc., Chicago."

Analysis showed that the article consisted essentially of castor oil, chenopodium oil, and a small quantity of arecoline.

Misbranding of the article was charged under the allegation that the label bore and a leaflet and circular enclosed in the package contained the following statements concerning the therapeutic or curative efficacy of the article, and that said statements were false and fraudulent, to wit: That the article was effective to expel roundworms (ascarids) and hookworms, to stay the ravage effects of worms, to promote the comfort and health of dogs, to produce the said effects within 2 hours after administration to dogs of capsules containing the said article.

On April 7, 1936, no claimant having appeared, a default decree of condemnation, forfeiture, and destruction was entered.

M. L. WILSON,
Acting Secretary of Agriculture.

26486. Misbranding of Turner's Solution for Poultry. U. S. v. 6 Bottles and 5 Jugs of Turner's Solution for Poultry. Default decree of condemnation and destruction. (F. & D. nos. 37335, 37336. Sample nos. 52790-B, 52795-B.)

These cases involved an interstate shipment of an article labeled "Turner's Solution for Poultry", the labels of which bore false and fraudulent representations regarding the curative or therapeutic effects of the articles with respect to diseases of poultry.

On March 16, 1936, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of an article contained in six bottles, and an article contained in five gallon jugs, labeled "Turner's Solution for Poultry", at Robinson, Ill., alleging that the article had been shipped in interstate commerce on or about November 14, 1935, by A. M. Turner Poultry Products Co., Ltd., from Sidney, Ohio, and that it was misbranded in violation of the Food and Drugs Act as amended.

Analysis of the article contained in the six bottles showed that it was a solution of potassium permanganate (0.2 percent) and small proportions of manganese and iron sulphates in water. Analysis of the article contained in the five jugs showed that it was a solution of iron sulphate (5 percent) in water.

The article in the six bottles was alleged to be misbranded in that the statement regarding its curative or therapeutic effect, borne on the label, "To be used in the treatment and control of Coccidiosis in Poultry * * * as a preventive use one teaspoonful to each two gallons of drinking water", falsely and fraudulently represented that the article was capable of producing the effect claimed. The article contained in the five jugs was alleged to be misbranded in that the statements regarding the curative or therapeutic effect of the article, borne on the label, "Through actual farm tests Turner's Solution has proven very efficient in preventing worms, by being sure that the birds get some of it in their system each day. Many flock owners are raising chickens very successfully on territory where they were unable to raise chickens at all. If your chickens go lame, blind, etc., use the Turner Worm System and be convinced.

As a treatment for worms and range paralysis Turner's Worm System is unsurpassed. The Turner Worm System is doing the job where others are failing, owing to the fact that the Turner System not only does the job, but helps to keep the job done. * * * In bad cases of worms * * * following with Turner's Solution, * * *", falsely and fraudulently represented that the article was capable of producing the effect claimed.

On May 27, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the products be destroyed.

M. L. WILSON,
Acting Secretary of Agriculture.

26487. Misbranding of Table Gee Valuable Elements of Milk. U. S. v. 24 Cans of Table Gee Valuable Elements of Milk. Default decree of condemnation and destruction. (F. & D. no. 87352. Sample no. 22527-B.)

This case involved an interstate shipment of an article, labeled "Table Gee Valuable Elements of Milk", which consisted essentially of powdered whey, the label of which bore false and misleading representations that it contained in concentrated form all of the valuable elements of milk, and bore false and fraudulent representations regarding its curative or therapeutic effects.

On March 12, 1936, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 24 cans of an article, labeled "Table Gee Valuable Elements of Milk", at New Orleans, La., alleging that it had been shipped in interstate commerce on or about May 24, 1935, by Table Food Concentrates, Inc., from Chicago, Ill., and that it was misbranded in violation of the Food and Drugs Act as amended.

The article was alleged to be misbranded in that statements appearing on the label, "Valuable Elements of Milk * * * Table Gee Contains the growth and repair elements of milk * * * concentrated extra milk units * * *" were false and misleading since the article was not milk nor did it contain all the elements of milk. The article was alleged to be misbranded further in that statements regarding its curative or therapeutic effect, "A Keystone to Health * * * Promotes Cell Growth and Tissue Repair in Young and Old", "Aids Digestion and Natural Elimination", "Builder of Intestinal Health", "For Intestinal Health * * * Drink as you would any 'health' drink * * * For Growth in Children Dissolve one heaping teaspoon in warm milk once to three times daily, varying the amounts so as to keep elimination normal. The growth elements of Table Gee supplement the nutrients of milk", "How it Aids Digestion and Elimination * * * Lactose is nature's own product for maintaining normal digestion. Lactose turns to lactic acid in the intestinal tract furthering beneficial bacterial flora essential to intestinal health", and "Table Gee contains the growth and repair elements of milk important to normal nutrition at all ages. Extra milk units are needed for buoyant health. The margin between optimal (best for health) amount of these elements and the minimal (just enough) is a wide one. Table Gee furnishes, in a palatable food, concentrated extra milk units for growth in the young, for tissue repair in both young and old", falsely and fraudulently represented that the article was capable of producing the therapeutic effects claimed.

On April 9, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON,
Acting Secretary of Agriculture.

26488. Misbranding of Epsolin. U. S. v. 600 Bottles of Epsolin. Default decree of condemnation and destruction. (F. & D. no. 87354. Sample no. 67561-B.)

This case involved interstate shipments of an article, labeled "Epsolin (Epsom Salt Comp.)", which designation indicated that the physiological effects produced by the article were due to the presence of Epsom salt; whereas they were due to the presence of phenolphthalein and aloin.

On March 11, 1936, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 600 bottles of an article, labeled "Epsolin (Epsom Salt Comp.)", at Trenton, N. J., alleging that the article had been shipped in interstate commerce on or about December 18 and 27, 1935, by the Union Products Co., from New York, N. Y., and that it was misbranded in violation of the Food and Drugs Act.

The article was alleged to be misbranded in that the designation of the article, "Epsolin (Epsom Salt Comp.)" on the label, was false and misleading in that it indicated that the physiological effects produced by the article were due to Epsom salt; whereas they were due to phenolphthalein and aloin.

On April 22, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON,
Acting Secretary of Agriculture.

26489. Misbranding of Videx. U. S. v. 183 and 445 Packages of Videx. Default decree of condemnation and destruction. (F. & D. nos. 37366, 37367. Sample nos. 57204-B, 57205-B.)

This case involved shipments of Videx that consisted essentially of amidopyrine and starch, that was a dangerous drug, and the labeling of which bore false and fraudulent curative and therapeutic claims.

On March 20, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 183 and 445 packages of Videx at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about October 7 and October 10, 1935, by Grove Laboratories, Inc., from St. Louis, Mo., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Videx Harmless, * * * a harmless tablet * * * Safe to Use * * * Videx imposes no penalties for its use * * * It is non-toxic * * * It does not impede or interfere with the natural processes."

Analysis showed that the article consisted essentially of amidopyrine (2.6 grains per tablet) and starch.

The article was alleged to be misbranded in that the statement on the small envelope containing the said article of drugs, "Harmless", was false and misleading since the said article was capable of producing harm; and in that the statements in the circular accompanying each package of said article of drugs, to wit, "* * * a harmless tablet * * * Safe to Use * * * Videx imposes no penalties for its use * * * It is non-toxic * * * It does not impede or interfere with the natural processes", was false and misleading since the said article of drugs was not safe or harmless and might have interfered with the natural processes; and in that the above statements together with others appearing upon and within the packages containing the said article of drugs, were false and misleading and tended to lead the purchaser to believe that the said article of drugs was a safe and an appropriate remedy for the diseased conditions named in the labeling; whereas the said article of drugs was not safe and was not an appropriate remedy but was a dangerous drug; and in that said statements regarding the curative or therapeutic effect of the said article were false and fraudulent since they tended to lead the purchaser to believe that the said article of drugs was a safe and an appropriate remedy for the diseased conditions named in the labeling; whereas the article of drugs was not a safe and an appropriate remedy but was a dangerous drug.

On June 24, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON,
Acting Secretary of Agriculture.

26490. Misbranding of The Owl Norwegian Cod Liver Oil. U. S. v. 39 Bottles of The Owl Norwegian Cod Liver Oil. Default decree of condemnation and destruction. (F. & D. no. 37372. Sample no. 60679-B.)

This case involved an interstate shipment of The Owl Norwegian Cod Liver Oil, the label of which bore false and fraudulent statements regarding its curative or therapeutic effect.

On March 16, 1936, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 39 bottles of an article, labeled "The Owl Norwegian Cod Liver Oil", at Salt Lake City, Utah, alleging that it had been shipped in interstate commerce on or about November 11, 1935, by the United Drug Co., from San Francisco, Calif., and charging misbranding in violation of the Food and Drugs Act as amended.

The article was alleged to be misbranded in that the statement regarding the curative or therapeutic effect of the article, "Recommended in the treatment of Pulmonary Affections Coughs * * * and General Debility", appearing on the label, falsely and fraudulently represented that the article was effective in the treatment of pulmonary affections, coughs, and general debility.

On May 9, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON,
Acting Secretary of Agriculture.

26491. Misbranding of McKesson's Milk of Magnesia Tooth Paste. U. S. v. 2,448 Dozen Packages of McKesson's Milk of Magnesia Tooth Paste. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 37373. Sample no. 46344-B.)

The labeling of this product bore false and fraudulent curative and therapeutic claims.

On March 16, 1936, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 2,448 dozen packages of McKesson's Milk of Magnesia Tooth Paste at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about March 7, 1936, by McKesson & Robbins, Inc., from Bridgeport, Conn., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of calcium carbonate, magnesium hydroxide, borax, glycerin, talc, soap, and water flavored with peppermint and colored pink.

The article was alleged to be misbranded in that the following statements contained in a circular shipped with the article, "Bleeding gums, the forerunner of the dreaded pyorrhea, known as Gingivitis and Vincent's Disease, commonly known as Trench Mouth, are distinctly benefitted by its use", were statements regarding the curative or therapeutic effects of the article and were false and fraudulent.

On March 21, 1936, McKesson & Robbins, Inc., claimants, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that the circulars be removed and destroyed.

M. L. WILSON,
Acting Secretary of Agriculture.

26492. Misbranding of Holford's Famous Inhaler. U. S. v. 213 Bottles of Holford's Famous Inhaler. Default decree of condemnation and destruction. (F. & D. no. 37375. Sample no. 52220-B.)

This case involved an interstate shipment of Holford's Famous Inhaler the label and package of which bore and contained false and fraudulent representations as to the curative or therapeutic effects of the article.

On March 17, 1936, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 213 bottles of Holford's Famous Inhaler at Erie, Pa., alleging that the article had been shipped in interstate commerce on or about February 5, 1936, by the Holford Co., from Minneapolis, Minn., and that it was misbranded in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of plant material including lavender flowers and mustard seed, and mustard oil.

The article was alleged to be misbranded in that statements regarding the curative or therapeutic effect of the article, borne on the bottle labels and contained in an accompanying circular, falsely and fraudulently represented that the article was effective to relieve the discomfort and distress of headaches, catarrh, asthma, hay fever, and sinus trouble; was effective to relieve headaches from various causes, colds in the lungs, sore throat, coughing, tonsillitis, toothaches, and neuralgia; was effective to cure cold sores; was effective to prevent fainting spells; and was effective to relieve distress from troubles which affect the head and throat.

On April 22, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON,
Acting Secretary of Agriculture.

26493. Misbranding of Mykel Tooth Powder. U. S. v. 24 Packages of Mykel Tooth Powder. Default decree of condemnation and destruction. (F. & D. no. 37394. Sample no. 8653-B.)

This case involved an interstate shipment of Mykel Tooth Powder the label and package of which bore and contained false and fraudulent statements as to its curative or therapeutic effect.

On March 26, 1936, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 24 packages of Mykel Tooth Powder at Lincoln, Nebr., alleging that the article had been shipped in interstate commerce on or about February 24, 1936, by the Kent Co., Inc., from Kansas City, Mo., and that it was adulterated and misbranded in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of sodium perborate and tale flavored with methyl salicylate.

The article was alleged to be misbranded in that statements regarding the curative or therapeutic effect of the article, appearing on the packages and contained in an accompanying circular, falsely and fraudulently represented that the article was effective to keep the gums firm, to build up tooth enamel, to diminish possibility of tooth decay, and to prevent mouth infections, and that it was effective for the treatment of pyorrhea.

On May 8, 1936, no claimant having appeared, judgment of condemnation was entered, and it was ordered that the product be destroyed.

M. L. WILSON,
Acting Secretary of Agriculture.

26494. Misbranding of iodine compound. U. S. v. 570 Packages of Economy First Aid Kit. Default decree of condemnation and destruction. (F. & D. no. 37458. Sample no. 67693-B.)

This case involved an interstate shipment of an article, described as "Economy First Aid Kit", containing an iodine compound which was misbranded.

On March 26, 1936, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 570 packages of an article, labeled "Economy First Aid Kit", at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about February 24, 1936, by the Union Products Co., from New York, N. Y., and that it was misbranded in violation of the Food and Drugs Act. Each of said kits was contained in a carton and included, among other articles, a drug contained in a bottle labeled "Novo Iodide Compound."

The article was alleged to be misbranded in that the statement, "This Economy Kit contains * * * Stainless Iodine Compound", appearing on the carton, and the designation, "Novo Iodide Compound", appearing on the bottle label, were false and misleading since the said drug was a chloromine and potassium iodate compound and not an iodine compound or an iodide compound.

On May 1, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON,
Acting Secretary of Agriculture.

26495. Misbranding of H. G. C. U. S. v. 68 Bottles of H. G. C. Default decree of condemnation and destruction. (F. & D. no. 37462. Sample no. 22535-B.)

This case involved an interstate shipment of an article, described as "H. G. C.", which device by inference falsely and fraudulently represented the curative or therapeutic effect of the article with respect to gonorrhea and gleet.

On April 1, 1936, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 68 bottles of H. G. C. at Jackson, Miss., alleging that said article had been shipped in interstate commerce on or about January 13, 1936, by the Acme Chemical Co., from New Orleans, La., and that it was misbranded in violation of the Food and Drugs Act as amended. The article was labeled: "Trade Mark 'H. G. C.' Reg. H. G. C. 4 Fl. Oz. Manufactured only by Acme Chemical Mfg. Co., Ltd., New Orleans, La." The meaning of the letters "H. G. C." is defined in the trade-mark registration thereof as follows: "Trade-Mark E. A. Hall. A Remedy For Gonor-

rhea and Gleet No. 17,590 Registered Feb. 25, 1890. H Has Never been known to Fail. Cures in 1 to 3 Days G Guaranteed to be superior to any Known Remedy C."

Analysis of a sample of the article showed that it consisted of packages containing an envelope of magnesium sulphate and a bottle of liquid composed essentially of borax, berberine sulphate, and water.

The article was alleged to be misbranded in that the article contained no ingredient or combination of ingredients capable of producing the effect claimed by the said device, H. G. C., which was applied to the article knowingly and in reckless and wanton disregard of its truth or falsity.

On May 8, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON,
Acting Secretary of Agriculture.

26496. Misbranding of Dr. Ward's Rubbing Alcohol. U. S. v. 261 Bottles of Dr. Ward's Rubbing Alcohol. Default decree of condemnation and destruction. (F. & D. no. 37470. Sample no. 53986-B.)

This case involved an interstate shipment of Dr. Ward's Rubbing Alcohol which was misbranded as to the kind and proportion of alcohol contained therein.

On March 27, 1936, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 261 bottles of an article, labeled "Dr. Ward's Rubbing Alcohol 70 Proof Isopropyl Alcohol", at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about November 20, 1935, by the Wilshire Sales Corporation from New York, N. Y., and that it was misbranded in violation of the Food and Drugs Act.

The article was alleged to be misbranded: (1) In that the statement on the label, "Rubbing Alcohol", was false and misleading since the article contained no ordinary (ethyl) alcohol, but consisted essentially of isopropyl alcohol, acetone, water, and perfume; (2) in that it was an imitation of and was offered for sale under the name of another article, namely, "Rubbing Alcohol"; and (3) in that the package failed to bear a statement on the label of the quantity or proportion of the isopropyl alcohol contained therein, since the statement "70 Proof Isopropyl Alcohol" was meaningless.

On April 20, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON,
Acting Secretary of Agriculture.

26497. Misbranding of Walko Tablets. U. S. v. 179½ Dozen Packages of Walko Tablets. Default decree of condemnation and destruction. (F. & D. no. 37498. Sample no. 59186-B.)

This case involved an interstate shipment of Walko Tablets the package of which bore and contained false and fraudulent representations regarding the curative or therapeutic effect of the article when used as a treatment for poultry diseases.

On April 1, 1936, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 179½ dozen packages of Walko Tablets at Oklahoma City, Okla., alleging that the article had been shipped in interstate commerce on or about January 16, 1936, by the Walker Remedy Co., from Waterloo, Iowa, and that it was misbranded in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted essentially of iron sulphate, potassium permanganate, alum, and gypsum.

The article was alleged to be misbranded in that the statements regarding its curative or therapeutic effect, "Walko Tablets for Strong, Healthy Chicks" and "For Your Poultry Troubles * * * Especially valuable for Simple Diarrhea and Loose Bowel Trouble among baby chicks", borne on and contained in the package, were false and fraudulent.

On May 15, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON,
Acting Secretary of Agriculture.

26498. Misbranding of Kadiok. U. S. v. 100 Bottles of Kadiok. Default decree of condemnation and destruction. (F. & D. no. 37536. Sample no. 67692-B.)

This case involved an interstate shipment of Kadiok which contained alcohol in a proportion less than that represented on the label, and a circular accompanying the article contained false and fraudulent representations regarding its curative or therapeutic effect.

On April 17, 1936, the United States attorney for the Northern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 106 bottles of Kadiok at Wheeling, W. Va., alleging that the article had been shipped in interstate commerce on or about April 22, 1935, by the Dee Lure Medicine Co., from Columbus, Ohio, and that it was misbranded in violation of the Food and Drugs Act.

Analysis of the article showed that it consisted essentially of water, alcohol, and extracts of plant drugs including laxative plant drugs.

The article was alleged to be misbranded in that a statement "Alcohol 15%", borne on the label, was false and misleading since the article contained only 7.5 percent of alcohol. The article was alleged to be misbranded further in that statements regarding the curative or therapeutic effect of the article, contained in an accompanying circular, "Kadiok In giving you Kadiok, all of these facts have been taken into consideration resulting in the development of a pure vegetable compound, made to assist Nature in helping your system back to normal and keeping it there without the use of harmful drugs. * * * They are all known to assist Nature in purifying the blood, increasing the flow of bile from the liver, exciting the gastric juices which aid in the digestion of food, acting as an appetite stimulator, and rids the body of poisons through proper elimination", falsely and fraudulently represented that the article was capable of producing the effects claimed.

On May 29, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON,

Acting Secretary of Agriculture.

26499. Misbranding of "Four Leaf Clovers." U. S. v. 35 Packages of "Four Leaf Clovers." Consent decree of condemnation and destruction. (F. & D. no. 37537. Sample no. 60696-B.)

This case involved an interstate shipment of a quantity of an article, labeled "Four Leaf Clovers", the label and package of which and an accompanying circular, bore and contained false and misleading representations as to its antiseptic properties, and the accompanying circular contained false and fraudulent representations as to the curative or therapeutic effects of the article.

On April 7, 1936, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture filed in the district court a libel praying seizure and condemnation of 35 packages of an article, labeled "Four Leaf Clovers", at Denver, Colo., consigned by the Pilgrim Co., Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about November 7, 1934, and January 13, 1936, from Chicago, Ill., and that it was misbranded in violation of the Food and Drugs Act as amended.

Analysis of the article showed that it consisted essentially of boric acid, borax, starch, and a pink coloring matter; and bacteriological examination of the article showed that it was not antiseptic in the dilution recommended for use.

The article was alleged to be misbranded in that the following statements were false and misleading since the article was not an antiseptic when used as directed: (Bottle label) "Vaginal Antiseptic"; (carton) "Vaginal Antiseptic"; (accompanying circular) "In the field of antiseptics, Four Leaf Clovers is a product of modern scientific progress * * * Prophylactic Sterilizer Germ Life, with which Four Leaf Clovers come in contact, is effectually destroyed. For perfect vaginal antiseptics, insert one tablet, slowly, well up into the vaginal tract. Hold first in warm water ten seconds, which will hasten the dissolution. This takes about two minutes. The antiseptic effect will last about one hour."

The article was alleged to be misbranded in that the following statements, contained in the circular accompanying the package, falsely and fraudulently represented that the article was capable of producing the curative or therapeutic effects claimed: " * * * health * * * a prophylactic * * * to reach all parts that may be harboring bacteria * * * eliminating the possibility

of congestion from discarded tissue * * * beneficial in healing slightly * * * inflamed tissues * * * If there is any soreness, due to discharge, inflammation or other causes, * * * Four Leaf Clovers will speedily alleviate this condition. * * * Leucorrhœa Approximately ninety per cent of women suffer from Leucorrhœa, commonly known as 'Whites', at some period in life. Directly or indirectly, it is a contributing cause to practically every disease of women. Four Leaf Clovers, because of their positive antiseptic qualities, quickly aid nature in correcting this condition. * * * Menopause. By many the Menopause, or Change of Life, is considered the most dangerous period of a woman's life. One can alleviate the suffering and help reduce the amount of what is commonly called 'hot flashes' by inserting one Four Leaf Clover into the vaginal tract upon retiring, * * * The treatment is simple, reduces the irritation of the area, and is very beneficial. 'I have been suffering from Leucorrhœa for several years and have tried everything I could find for relief. A 30-day treatment with Four Leaf Clovers has made a new woman out of me. I am no longer nervous and I have regained my strength.'

On June 1, 1936, the Pilgrim Co., having consented to a decree, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON,
Acting Secretary of Agriculture.

26500. Misbranding of Mentos. U. S. v. 262 Bottles of Mentos. Default decree of condemnation and destruction. (F. & D. no. 37533. Sample no. 67574-B.)

This case involved an interstate shipment of Mentos the bottles of which and an accompanying circular, bore and contained false and fraudulent representations regarding its curative or therapeutic effect.

On April 4, 1936, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 262 bottles of Mentos at Atlantic City, N. J., alleging that the article had been shipped in interstate commerce on or about January 29, 1936, from Philadelphia, Pa., by Mentos Products, Inc., and that it was misbranded in violation of the Food and Drugs Act as amended.

Analysis of the article showed that it consisted essentially of sulphur, borax, ammonia, and water, with small quantities of perfume materials.

The article was alleged to be misbranded in that statements borne on the bottle labels and contained in an accompanying circular, regarding the curative or therapeutic effects of the article, falsely and fraudulently represented that the article was capable of promoting new growth of hair; was capable of stopping dandruff, falling hair, scaling scalp, eczema, ringworm, and sores; was capable of curing all scalp disorders, such as psoriasis, eczema, severe cases of dandruff, falling hair, and scaling scalp, by penetrating the hair follicles, stimulating the glands, and causing the blood to circulate freely and nourish the roots of the hair; would be effective in the treatment of baldness and loss of hair; would cure the worst cases of dandruff, eczema, and sores; would stop and prevent hair from falling out by killing germs, curing germ diseases, and medicating the glands; was capable of stopping and curing falling hair, however severe the case, and of producing a luxuriant growth of hair; would prevent and cure baldness; would keep the scalp clean of dandruff and awaken dead tissues and the roots of the hair; would restore the hair and aid in curing skin diseases; would cure and prevent dandruff, restore hair, and cure any kind of skin disease of the head, face, and body, and any kind of infection of the scalp or skin, skin eruptions, and warts.

On June 6, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON,
Acting Secretary of Agriculture.

26501. Alleged misbranding of Diaplex. U. S. v. Horace Wayne Pierce and William Jess Predmore. Tried to a jury. Verdict of not guilty. (F. & D. no. 35984. Sample nos. 15449-B, 26527-B, 26528-B.)

This case involved interstate shipments of Diaplex the packages of which bore allegedly false and fraudulent statements regarding the curative or therapeutic effect of the article with respect to diabetes.

On April 29, 1936, the grand jurors of the United States in and for the District of Colorado returned in the district court an indictment against Horace Wayne Pierce and William Jess Predmore, Denver, Colo., charging shipment by said

defendants in violation of the Food and Drugs Act, as amended, on or about January 25, 1935, from the State of Colorado into the State of California, and on or about March 8 and March 25, 1935, from the State of Colorado into the State of Idaho, of quantities of Diaplex which was misbranded.

Analysis of the article showed that it consisted of coarsely ground stem material essentially identical with saltbush (*Atriplex*), occurring in arid and semiarid sections of western United States.

The article in the shipment of January 25, 1935, was alleged to be misbranded in that the following statements regarding the curative or therapeutic effect of the article, borne on the label, "Directions to Doctors. For those whose blood-sugar tests 125 mm. per cc. or over, use four heaping tablespoons of Diaplex to the quart of water and percolate ten to fifteen minutes. * * * Should the urine analysis show an increase of sugar, make blood test to determine cause. * * * Persons using Diaplex with insulin should make a urine test daily, and as the pancreas increases its normal function, reduce the amount of insulin sufficiently to avoid insulin reaction. Only use enough insulin to take care of the surplus sugar, but continue the use of Diaplex until you are well and strong", falsely and fraudulently represented that the article was effective as a treatment, remedy, and cure for diabetes.

The article in the shipments of March 8 and March 25, 1935, was alleged to be misbranded in that the following statements regarding the curative and therapeutic effect of the article, borne on the label, falsely and fraudulently represented that the article was effective as a treatment, remedy, and cure for diabetes: "Diaplex for diabetes Directions Use two to three heaping tablespoons full of Diaplex to each pint of water, then bring to a boil or percolate in a porcelain or earthen coffee percolator for ten minutes. (Never use aluminum utensils). Always serve Diaplex fresh and hot (never lukewarm or cold). A diabetic should drink at least two quarts of Diaplex daily, for from three to nine months. Also watch the urine test daily and you will be amazed at the results. Diaplex contains no opiates and is non-injurious. Persons using Diaplex with insulin should make the urine test daily, and as the pancreas increases its normal function, reduce the amount of insulin sufficiently to avoid insulin reaction. Only use enough insulin to take care of the surplus sugar, and eventually eliminate the insulin entirely. But continue the use of Diaplex until you are well and strong. Persons who have never used insulin, and not in coma, will find it unnecessary to do so. All that will be required is to adhere to a good diabetic diet and drink two quarts daily of Diaplex for a few months, and like thousands of others he too, will rejoice in the grand activity of good health and vigor. If we help you—you, too, may help others. If your druggist or health store doesn't handle it, write the Home Office and for further information address 'Diaplex', Postoffice Box 42, Denver, Colo., U. S. A."

On June 5, 1936, the case having come on for trial before a jury, the court delivered the following charge to the jury:

STONE, *District Judge*: Gentlemen of the jury: There are three counts in this indictment and each of the counts states a separate offense. You are to find a verdict of guilty or not guilty on each count.

The law which the defendant is charged with violating, briefly is known as the Pure Food and Drug Act, enacted by the Congress of the United States, and this makes it unlawful for anyone to ship in interstate commerce any article of food or drug which is misbranded within the meaning of this Statute. The law further says that an article is misbranded—that is to say, a drug is misbranded, if the package or the label shall bear or contain any statement, design, or device regarding the curative or therapeutic effect of such articles, or any of the ingredients or substances contained therein which are false and fraudulent.

In this case it is admitted that the defendant, Mr. Pierce, made this preparation Diaplex, and it is admitted that he shipped it in interstate commerce as charged by the Government. The only question remaining for your consideration is whether the language on those packages which he shipped which had reference to the curative and therapeutic effect of the article was false and fraudulent. This is the sole question. The aim of this law is to prevent * * * as well as to prevent statements which are literally false. This is so that people may know by reading a label what they are getting and may rely thereon. In this connection it is up to the manufacturer to choose statements which will not deceive or mislead, and if you find that the labels used

by the defendant were liable to mislead the public—the public who would buy them—that they are fraudulent—then he is guilty of misbranding.

The testimony of the Government is that this preparation is made from a bush known as salt bush and that a tea or infusion prepared from it, in the manner directed, would contain (stated the chemical analysis of the product), and if you further believe from all the testimony of the case, including experts and others, that such a preparation would not be capable of exerting any beneficial therapeutic effects in the treatment of diabetes, then the labels are false.

You are further instructed, gentlemen, that the sole question in this case is not whether this preparation would cure diabetes, help it or would not, but it is a question also of the intent and good faith or lack of good faith of this defendant in putting this preparation on the market and shipping it in interstate commerce. You are not necessarily bound by the opinion of the medical profession as to the therapeutic value or lack of it. Medicine is a progressive science and what leading doctors today may use as a sure cure, they may discard tomorrow for something better, and it may be the doctors don't always take up a new discovery or recognize therapeutic value, if it has any, and their evidence is for the purpose of helping you to decide the case. In the final analysis, you gentleman must decide it and not the doctors or any of the others.

The defendant in dealing with a medical preparation and in putting it on the market, is charged with some superior knowledge as to the effects of the device or preparation that he puts out. A man who deals and holds himself out as this man did, with a cure for diabetes must know something about it. The purpose of the law is to prevent ignorant, dishonest, and unqualified people from selling medicines or preparations that might injure people or which have no value at all. So judging by that standard, as well as some others that I will give you, the testimony is made up of two classes: First, the doctors—men skilled in the art—and their testimony as to the nature of diabetes, its symptoms, the progress of the disease, and the treatment which the medical profession generally prescribe for it—among those restricted diet, use of insulin, and exercise. You also have the testimony of the Government of one or two people who used the preparation and derived no benefit—that some were even harmed by the use of it. The defendant also paraded before you gentlemen a good many people—no doubt honest in their belief—who stated they had used the remedy and derived great benefit. The evidence of lay witnesses should be considered by you with extreme caution. We know from our everyday experience that people like to talk about the diseases they have and have fixed opinions as to whether the remedy helped them or not. [Portion not repeated verbatim but it was to the effect that people with no superior medical knowledge were unable to make a definite statement as to whether or not a remedy helped them—that what they said could only be their opinion.] So you should scrutinize that evidence rather carefully, taking all points into consideration before giving it any weight. But if, after considering it, you feel it has some value, you should give it such weight as you feel it is entitled to.

It is not necessary that the statements that the defendant makes are directly false. You are entitled to take the language on the label or as set forth in the indictment, and ask yourself: "How would that strike the average intelligent person who would buy it? Does it directly or indirectly say that it will cure diabetes if used in the manner prescribed?" What is the effect of the language used? Did he convey the impression that it is a cure or remedy for the disease? He must have knowledge that it was false, or he must have made the label statements recklessly and with total disregard of whether they were true or not, and without a firm and honest belief in the truth of it, and he cannot shut his eyes to obvious facts which he should have known. He didn't look it up. Made no investigation or study. Believed it to be all right. He has to assume some responsibility when he puts out a remedy to the public for a serious disease like diabetes. So in the final analysis, gentlemen, the thing is to analyze the evidence and decide whether a reasonable and prudent man, careful of the lives of others, conscious of the fact that medicine is * * * whether a reasonable and honest man would have put this out and can sincerely believe that it was what he represented and thought it to be. Now that is the test in the case.

On the one extreme, he is not bound by any guaranty. That is, he doesn't have to guarantee that it will cure. On the other hand, he has to be honest, sincere, and must have taken precautions which a man should take in selling

a product of this kind. Now he says that he relied upon letters he received from people who used the product. Ask yourself whether, as a reasonable and prudent man, he should have relied upon them. Did these people who made the statement know what they were talking about? For instance, he would not be justified in getting letters from a lot of ignorant people and coming into Court and saying that was his defense. On the other hand, if he had a right to believe that these people were sincere in their statements they made to him you might find * * * had a right to rely to some extent on their opinion.

Also, there is evidence * * * to find out what the effect of this remedy was. He shipped 100 packages to one doctor and asked him to test it out. He says he read up a little on diabetes—read one or two books. There is no evidence he ever attended a medical school or practiced medicine, or that he was educated sufficiently to hold himself out as one qualified to treat diseases—entirely lacking in that respect.

After reviewing the evidence, if you have a reasonable doubt as to any material fact necessary to constitute grave doubt, then he is entitled to the benefit of that doubt. * * * that the statement contained on the label was false and misleading. Also that the man was with fraud in making those representations or was so reckless and had such disregard as not to care whether it was a good remedy or not. [Here the judge described to the jury the definition of "Reasonable doubt".] You are the judges of the facts. You should not be influenced by anything I tell you. You are likewise judges of the credibility of the witnesses. It is up to you. You have the right to consider their manners on the witness stand as they gave their testimony. Do you think they were * * * interested in the outcome of the case? Qualified to testify?

Take the case, gentlemen, and consider it fairly and dispassionately and decide whether this man is guilty or not. There is no evidence that this remedy hurt anybody or might hurt anybody. That makes no difference because the law says he is guilty if he made statements which are untrue. People parted with their money in buying a worthless remedy. You have got to decide the case and consider all the surrounding circumstances and what you have heard on the witness stand. The question of intent is an illusive thing, but you are entitled to judge it as we judge each other in ordinary affairs of every day life, and if I do an act that brings about a certain result and you can say that it was bound to bring that result about, you can say I had that intent. Decide whether there was intent or lack of intent to violate this law. The arguments of the lawyers should not be considered. Decide what the facts are. Then it is your duty to take the instructions I have given you regarding the law and bring in your verdict accordingly. Do your best as far as it is humanly possible. * * *

If the defendant had an honest and sincere belief in the efficacy of this remedy you cannot find him guilty, but in judging whether he had that faith or not you should review the facts and determine whether he had total disregard and lack of care or interest in whether this remedy would cure * * * and if you find in the affirmative, the intent was fraud.

The jury retired and after due deliberation returned a verdict of not guilty for both defendants.

M. L. WILSON,

Acting Secretary of Agriculture.

26502. Adulteration of tincture of aconite. U. S. v. Mutual Pharmacal Co.
Plea of guilty. Fine, \$25. (F. & D. no. 32137. Sample no. 41914-A.)

This case involved an interstate shipment of an article, labeled Tincture Aconite U. S. P., which differed from the standard of strength, quality, and purity prescribed for tincture of aconite in the United States Pharmacopoeia, and the standard of strength, quality, and purity of the article was not declared on the container thereof.

On May 13, 1935, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Mutual Pharmacal Co., a corporation, Syracuse, N. Y., charging shipment by said corporation in violation of the Food and Drugs Act, on or about June 11, 1933, from the State of New York into the State of Pennsylvania of an article, labeled "Tincture of Aconite U. S. P.," which was adulterated.

The article was alleged to be adulterated (1) in that it was sold under and by a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down in said pharmacopoeia, since not less than 0.002 cubic centimeter of said article was required for a minimum lethal dose for each gram of body weight of guinea pig, whereas said pharmacopoeia prescribed that tincture of aconite, when administered to guinea pigs, should have a minimum lethal dose of not more than 0.00045 cubic centimeter for each gram of body weight of a guinea pig, and the standard of strength, quality, and purity of said article was not declared on the container thereof; and (2) in that the strength and purity of the article fell below the professed standard and quality under which it was sold, since said article was represented to be tincture of aconite which conformed to the standard laid down in the United States Pharmacopoeia, whereas in fact the article was not tincture of aconite which conformed to the standard laid down in said pharmacopoeia.

On June 11, 1936, a plea of guilty was entered on behalf of the defendant corporation and the court imposed a fine of \$25.

M. L. WILSON,
Acting Secretary of Agriculture.

26503. Adulteration and misbranding of Italina Effervescent Salts. U. S. v. 103 Cans, 49 Cans, 126 Packages, 204 Cans, and 39 Cans of Italina Effervescent Salts. Default decrees of condemnation and destruction. (F. & D. nos. 32684, 32843, 32848, 32849, 32850. Sample nos. 51665-A, 51666-A, 69892-A to 69895-A, incl., 69897-A, 69898-A.)

These cases involved interstate shipments of Italina Effervescent Salts that contained an added deleterious ingredient that might have rendered it injurious to health, the labels and packages bore and contained false and misleading representations to the effect that the article consisted wholly of effervescent salts and was produced in Italy; and the packages and labels bore and contained false and fraudulent representations regarding its curative or therapeutic effects.

The United States attorney for the Middle District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court on May 10, 1934, a libel praying seizure and condemnation of 39 cans of an article, labeled "Effervescente Italina * * * Florets Products Co., New York, New York", at Carbondale, Pa., and on November 13, 1934, four amended libels praying seizure and condemnation of an article so labeled of 103 cans at Scranton, Pa., 49 cans at Carbondale, Pa., and 204 cans at Dunmore, Pa. It was alleged in the libels that the article had been shipped in interstate commerce from New York, N. Y., the 39 cans of the article at Carbondale, Pa., on or about July 17, 1933, by F. Bonomo & Co., the 103 cans of the article at Scranton, Pa., on or about April 11, 1933, and January 4, 1934, the 49 cans of the article at Carbondale, Pa., on or about April 9, 1934, the 204 cans of the article at Dunmore, Pa., on or about October 19, 1933, by the Trieste Importing Co., and the 126 packages of the article at Wilkes-Barre, Pa., on or about February 20, 1934, by Louis Lapone; and that the article was adulterated and misbranded in violation of the Food and Drugs Act as amended.

Analyses of the article in all of the five cases showed that it consisted essentially of phenolphthalein, sodium bicarbonate, tartaric acid, citric acid, and sugar, flavored with lemon oil.

The article in all of the five cases was alleged to be adulterated in that it contained an added deleterious ingredient, phenolphthalein, which might have rendered it injurious to health.

The article in the 39 cans seized at Carbondale, Pa., was alleged to be adulterated further (1) in that its strength and purity fell below the professed standard and quality under which it was sold, namely, "Effervescent Salts", since it contained ingredients other than salts; and (2) in that a substance, phenolphthalein, had been substituted in part for the article.

The article in the 103 cans seized at Scranton, Pa., the 49 cans seized at Carbondale, Pa., the 126 packages seized at Wilkes-Barre, Pa., and the 204 cans seized at Dunmore, Pa., was alleged to be misbranded in that the statements, designs, and devices, appearing upon and within the packages, as follows, (metal container and the carton) "Italina * * * Delizioso Rinfrescente * * * A pleasant and refreshing drink * * * [design of a lemon] * * * 'It Tastes Like Lemon Soda' * * * Bibita piscivole e rinfrescente * * *", (wrapper) "Italina Effervescente Rinfrescente La Bibita Deliziosa Effervescente Italina Premiata Con Midaglia D'Oro [design of medal] Esposizione Di Firenze-Italia * * * Preferita Dai Vecchi * * * Gradita Dai Bambini

* * * Italina Bibita Piacevole e Rinfrescante * * * A pleasant and refreshing drink * * *", (circular) "Italina", and "Perfect Effervescent Salt", "Effervescent Salts", and "Italina Salts", representing that the article consisted wholly of effervescent salts and a lemon product, that it was "effervescente", an Italian beverage, that it was a pleasant and refreshing drink of rapid effervescence, that it was preferred by the old, that it was agreeable to babies, and that it was an Italian product, were false and misleading.

The article in the consignment of 39 cans at Carbondale, Pa., was alleged to be misbranded in that the statements and design, "Italina Effervescent Salts" (on the metal container and in a circular accompanying the package), "Perfect Effervescent Salt" (in a circular accompanying the package), and the design of a lemon (on the package and in a circular accompanying the package), representing that the article was a product of Italy, that it consisted wholly of effervescent salts and a lemon product, were false and misleading. Said article was alleged to be misbranded further in that it was an imitation of and was offered for sale under the name of another article, namely, "Effervescent Salts."

The article was alleged to be misbranded in that the following statements, borne and contained on and within the packages, falsely and fraudulently represented the curative or therapeutic effects of the article: (Portions of cans and packages) "For stomach troubles, acidity, nausea, indigestion * * * Recommended especially in cases of over eating or drinking"; (portions of cartons) "For stomach discomforts, acidity, nausea, indigestion when due to temporary constipation or indiscretion in diet"; (in Italian on portions of cans, cartons, and wrappers) "Excellent for disturbances of the stomach, acidity, nausea, * * * indigestion * * * Digestive"; (on portions of cartons) "Very good against stomach troubles, nausea, indigestion * * * Recommended especially in cases of overeating and drinking"; (on portions of wrappers) "Very good against stomach troubles"; (on a circular accompanying certain lots) "The perfect Effervescent salt that gives quick relief from stomach disorders * * * Faulty digestion is manifested in a multitude of ailments such as: * * * indigestion, unclear pimply complexion, nausea, general rundown condition, * * * gas, acidity, dull sleepy feeling, etc.:— in such cases and in cases of excessive eating or drinking, the use of Italina will prove most beneficial. If you suffer from any of these ailments, * * * Doctors say that indigestion, * * * and other stomach troubles prove the most relentless foes the complexion can have. It should therefore be the aim of all who value their personal appearance, to prevent these ills * * * It counteracts stomach disorders and cleans and purifies the bowels. Italina can make you look and feel your very best by keeping you free of poisonous wastes that pollute the blood stream; and often that is the only draw-back to better health * * * Its * * * acid neutralizing quality and instant relief of stomach distresses * * * This seal is the symbol of good health"; (in a second circular accompanying a certain lot) "Indigestion * * * Nausea, * * * Frequent Headaches, Acidity, Gas, Upset Stomach and Bad Complexion."

On June 16, 1936, no claimant having appeared, judgments of condemnation were entered and it was ordered that the products be destroyed.

M. L. WILSON,
Acting Secretary of Agriculture.

26504. Adulteration and misbranding of Owl Elixir Iron, Quinine, and Strychnine. U. S. v. United Drug Co. Plea of guilty. Fine, \$75. (F. & D. no. 33836. Sample no. 45188-A.)

This case involved an interstate shipment of Owl Elixir Iron, Quinine and Strychnine that differed from the standard of strength, quality, and purity as determined by the test laid down in the National Formulary for elixir of iron, quinine, and strychnine, and the label of the article bore false and fraudulent representations regarding the curative or therapeutic effects of the article.

On February 19, 1935, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the United Drug Co., a corporation, San Francisco, Calif., charging shipment by said corporation in violation of the Food and Drugs Act, on or about January 5, 1934, from the State of California into the State of Oregon, of a quantity of Owl Elixir Iron, Quinine and Strychnine that was adulterated and misbranded. The article was labeled in part:

(Bottles) "The Owl Elixir Iron, Quinine and Strychnine * * * Manufactured for The Owl Drug Co. * * * San Francisco" Analysis of a sample of the article showed that it was a liquid flavored with orange and containing quinine sulphate (4.45 grams per liter).

The article was alleged to be adulterated in that it was sold under and by a name recognized in the National Formulary, and differed from the standard of strength, quality, and purity as determined by the test laid down in said formulary, since said article contained quinine sulphate; whereas said formulary does not provide that elixir of iron, quinine, and strychnine shall contain any quinine sulphate, and the standard of strength, quality, and purity of said article was not declared on the container thereof.

Said article was alleged to be misbranded in that the statement, "Elixir Iron Quinine and Strychnine", borne on the shipping case and upon the bottle label, was false and misleading, since the article was not elixir of iron, quinine, and strychnine since it contained quinine sulphate, which is not an ingredient of elixir of iron, quinine, and strychnine. The article was alleged to be misbranded further in that statements aforesaid regarding the curative or therapeutic effects of the article, appearing on the label on the bottle, falsely and fraudulently represented that it was effective as a treatment for the relief of mental and physical exhaustion, wasting diseases, malaria, loss of appetite, convalescence from exhausting diseases, wasting debility, general run-down conditions, and sleeplessness.

On June 18, 1936, a plea of guilty was entered on behalf of the defendant corporation and the court imposed a fine of \$75.

M. L. WILSON,

Acting Secretary of Agriculture.

26505. Misbranding of J. H. Mims Iron Tonic. U. S. v. 72 Bottles of J. H. Mims Iron Tonic. Default decree of condemnation and destruction. (F. & D. no. 35422. Sample no. 6024-B.)

This case involved an interstate shipment of J. H. Mims's Iron Tonic the label of which bore false and misleading representations regarding its curative or therapeutic effects.

On April 25, 1935, the United States attorney for the Middle District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 72 bottles of J. H. Mims Iron Tonic at Valdosta, Ga., alleging that the article had been shipped in interstate commerce on or about April 12, 1935, by the Mims Medicine Co., from Jacksonville, Fla., and that it was misbranded in violation of the Food and Drugs Act.

Analysis of the article showed that it consisted essentially of iron salts dissolved in water.

The article was alleged to be misbranded in that the statement on the label, "The Great Irish Remedy purifies the blood, useful in the treatment of indigestion, pellagra, dropsy, eczema and rheumatism, gives good rest at night * * * quiets the nerves", was false and misleading and deceived and misled the purchaser.

On June 19, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON,

Acting Secretary of Agriculture.

26506. Misbranding of Standard Heave Powder, Standard Negro Tabs, Standard Fumoil, Standard Roup Remedy, Standard Curalone, and Standard Sulpho-Carb Antiseptic Tablets. U. S. v. Standard Chemical Manufacturing Co. and John W. Gamble. Pleas of guilty. Fines, \$80 and costs. (F. & D. no. 35973. Sample nos. 41472-A, 3618-B, 3620-B, 23065-B, 23068-B, 23069-B, 23070-B, 23328-B.)

This case was based on shipments of various drug preparations the labeling of which bore false and fraudulent curative and therapeutic claims.

On April 16, 1936, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Standard Chemical Manufacturing Co., a corporation, and John W. Gamble, of Omaha, Nebr., alleging shipment by said defendants in violation of the Food and Drugs Act, as amended, between the dates of February 10, 1934, and April 23, 1935, from the State of Nebraska into the States of Minnesota, South Dakota, and Iowa of various drug products that were misbranded.

Analyses showed that the Necro Tabs contained copper sulphate, potassium permanganate, together with a small amount of talc; that the heave powder consisted essentially of partially calcined lime, powdered plant material including a bitter drug, with small proportions of charcoal, compounds of iron and sodium, sulphates, phosphates, and chloride; that the Fumoil consisted of a 12-ounce can containing chlorinated lime, and a 1-ounce bottle containing chiefly eucalyptus oil and a small proportion of sulphuric acid; that the roup remedy consisted of a mixture of copper sulphate, magnesium sulphate, potassium permanganate, and ammonium alum, in powder form; that the Curalone consisted essentially of potassium permanganate, magnesium sulphate, copper sulphate, aluminum sulphate, and a small amount of chlorides and chlorates; and that the Sulpho-Carb Antiseptic Tablets consisted of large white tablets containing sulphocarbonates of zinc, calcium, and sodium, mercuric chloride, citric acid, and talc.

The articles were alleged to be misbranded in that certain designs, devices, and statements regarding their therapeutic and curative effects, appearing on the labels, falsely and fraudulently represented that the heave powder was effective as a heave powder; as a guaranteed remedy for the treatment of heaves, distemper, pinkeye, epizootic, coughs, and colds; as a safe and reliable treatment for heaves and an invaluable remedy for distemper, epizootic, pinkeye, coughs, colds, and all throat and lung troubles; as acting directly upon the respiratory and digestive organs; was effective in the treatment of an incurable trouble sometimes called "heaves", and in producing remarkable results; was effective in the treatment of heaves, in effecting a cure in 30 to 60 days; was effective as a treatment, remedy, and cure for coughs and colds, distemper, pinkeye, and epizootic; was effective in the treatment of the symptoms and cause of heaves; in removing the cause of heaves absolutely; in producing marked relief in a few days; and in effecting a cure for heaves; that the Necro Tabs were effective as a treatment, remedy, and cure for necro; effective as a treatment, remedy, and cure for sick hogs; that the Fumoil was effective as a treatment, remedy, and cure for colds, bronchitis, flu, and pneumonia; and effective as a treatment, remedy, and cure for colds, bronchitis, flu, and pneumonia in poultry and hogs; that the roup remedy was effective as a preventive of roup; effective as a remedy for roup and canker; effective as a tonic; and effective as an antiseptic remedy and tonic for fowls; that the Curalone was effective as a germicide for certain diseases of man, animals, and poultry; effective as a treatment, remedy, and cure for sores and certain forms of skin disease, soreness and inflammation of mouth, throat, and eyes, disorders caused by fungus poison, impure water, and impure food; effective as a preventive, treatment, remedy, and cure for digestive troubles and necro in pigs; effective as a treatment, remedy, and cure for colds, roup, swelled head, watery eyes, bowel trouble, canker, diphtheria, chickenpox, sorehead and diarrhea in poultry; effective as a preventive of many troubles and diseases in poultry; effective as a tonic and conditioner for all poultry; and effective as a treatment for certain skin disorders of animals; and that the Sulpho-Carb Antiseptic Tablets were effective as an antiseptic preventive of the diseases of poultry; effective to reduce the hazard of infection, and as a treatment, remedy, and cure for diseases of poultry; effective for disinfecting sores, lesions of roup, and chickenpox; effective as a treatment for severe worm infestation; and effective as a treatment, remedy, and cure for coccidiosis and white diarrhea in poultry and for coccidiosis of the kidneys in geese.

The information further charged that the Sulpho-Carb Antiseptic Tablets were adulterated and misbranded also in violation of the Insecticide Act of 1910, reported in notice of judgment no. 1497, published under that act.

On November 5, 1936, pleas of guilty were entered on behalf of the defendants and the court imposed a fine of \$5 against each defendant on each count of the information, which in the case of the counts charging misbranding of the Food and Drugs Act amounted to \$80.

M. L. WILSON,
Acting Secretary of Agriculture.

26507. Misbranding of Neurosine. U. S. v. 24 Dozen Bottles of Neurosine. Consent decree of condemnation and destruction. (F. & D. no. 38559. Sample no. 32448-B.)

This case involved an interstate shipment of Neurosine. The names and the quantities or proportions of certain substances, appearing on the package and label, purported to be the complete formula of the article; whereas the article

contained a large proportion of bromides, the principal active ingredients, the presence of which was not mentioned on the package or label.

On December 26, 1935, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 24 dozen bottles of Neurosine at Memphis, Tenn., alleging that the article had been shipped in interstate commerce on or about December 6, 1935, by the Dios Chemical Co., from St. Louis, Mo., and that it was misbranded in violation of the Food and Drugs Act.

The article was alleged to be misbranded in that the statement on the package and label, ".075 Gr. Per Oz. Each. Ext. Henbane and Fl. Ext. Belladonna .060 Gr. Per Oz. Oil Bitter Almonds .60 Gr. Per Oz. Fl. Ext. Cannabis Indica", was false and misleading, since the article contained a large proportion of bromides not mentioned as ingredients of the article.

On June 20, 1936, the claimant having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON,

Acting Secretary of Agriculture.

26508. Misbranding of Mineral Life. U. S. v. 64 Bottles of Mineral Life. Consent decree of condemnation. Product released under bond conditioned that it not be sold or otherwise disposed of contrary to law. (F. & D. no. 36913. Sample no. 10044-B.)

This case involved an interstate shipment of an article, described as Mineral Life, the label of which bore false and fraudulent representations regarding its curative or therapeutic effects.

On January 8, 1936, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 64 bottles of Mineral Life, at Dallas, Tex., alleging that the article had been shipped in interstate commerce on or about July 15, 1935, from Des Moines, Iowa, by Mineral Life Laboratories, Inc., and that it was misbranded in violation of the Food and Drugs Act as amended.

Analysis of the article showed that it consisted essentially of sulphur dioxide (0.1 percent), sulphuric acid (0.04 percent), salts of sodium, potassium, calcium, magnesium, manganese, iron, copper (0.1 percent), and water (approximately 99.75 percent).

The article was alleged to be misbranded in that the following statements regarding the curative or therapeutic effects of the article, bore on the label, "Mineral Life * * * effective as an aid in the relief of disease and the maintenance of body health. * * * Designed to assist nature in restoring and maintaining health by increasing body resistance to disease, supplying the blood with alkaline agents and the body with mineral elements in absorbable form correcting certain mineral deficiency in diet. Besides drinking, use as a gargle, spray or injection, to inhale, or for compresses wherever there is inflammation, pain or ulceration. * * * Special directions for other conditions will be furnished upon request. * * * For * * * catarrh or sinus use Mineral Life in glass or rubber atomizer, or saturate a piece of sterilized or absorbent cotton with Mineral Life and place in the nostrils. Apply frequently. For sore throat gargle. * * * For * * * cuts * * * Do not expect to obtain complete relief immediately. It takes time to repair the body. * * *", falsely and fraudulently represented that the article, if used as a medicine, would be effective in the maintenance of health and resistance to and relief of disease, and in particular would relieve inflammation, pain, ulceration, catarrh, sinus trouble, sore throat, and cuts.

On June 10, 1936, Mineral Life Laboratories, claimant, having consented to a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it should not be sold or otherwise disposed of contrary to law.

M. L. WILSON,

Acting Secretary of Agriculture.

26509. Misbranding of E. O. Clark's Famous Liquid Formula No. 6. U. S. v. Elmer O. Clark (Clark Remedies Co.). Plea of guilty. Fine, \$25. (F. & D. no. 36981. Sample nos. 27950-B, 41025-B.)

This case involved interstate shipments of E. O. Clark's Famous Liquid Formula No. 6 the labels of which bore false and fraudulent statements re-

garding its curative or therapeutic effect with respect to intestinal parasites in poultry, hogs, dogs, rabbits, and cats.

On May 19, 1936, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Elmer O. Clark, trading as Clark Remedies Co., Kokomo, Ind., charging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about September 20 and October 4, 1935, from the State of Indiana into the States of Illinois and Iowa, of quantities of E. O. Clark's Famous Liquid Formula No. 6 that was misbranded.

Analyses of the article in each of the two consignments showed that it consisted, in the case of one consignment, of a solid (plant material—kamala indicated), and a liquid containing chiefly mineral oil, turpentine, carbon tetrachloride, sassafras oil, and water; and in the case of the other consignment, of a mixture of two immiscible liquids, and a separated solid (plant material—kamala indicated), the lighter of the two liquids consisting chiefly of mineral oil, turpentine, carbon tetrachloride, and sassafras oil, and the heavier liquid consisting of a solution of nicotine and sodium sulphate in water.

The article was alleged to be misbranded in that the labels bore statements regarding the curative or therapeutic effect of the article, falsely and fraudulently representing it to be effective as a treatment, remedy, and cure for roundworms, tapeworms, and gizzard and pin worms in fowls and turkeys, hogs, dogs, rabbits, and cats.

On June 27, 1936, the defendant entered a plea of guilty and the court imposed a fine of \$25.

M. L. WILSON,

Acting Secretary of Agriculture.

26510. Misbranding of Universal Tonic Ginseng. U. S. v. Jay Leighton Van Cleve (Universal Medicine Co.). Plea of guilty. Fine, \$50. (F. & D. no. 36984. Sample no. 37640-B.)

This case involved an interstate shipment of Universal Tonic Ginseng the labels of which bore false and fraudulent representations regarding its curative or therapeutic effects.

On April 7, 1936, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Jay Leighton Van Cleve, trading as Universal Medicine Co., Portland, Oreg., charging shipment by said defendant in violation of the Food and Drugs Act, as amended, on or about June 24, 1935, from the State of Oregon into the State of Washington of a quantity of Universal Tonic Ginseng that was misbranded.

Analysis of a sample of the article showed that it consisted essentially of extracts of plant drugs, alcohol (2.7 percent by volume), glycerin, and water.

The article was alleged to be misbranded in that the statements regarding its curative and therapeutic effects, appearing on the bottle labels, falsely and fraudulently represented that the article was effective as a treatment, remedy, and cure for ailments of the stomach, liver, kidneys, and nerves, and effective to make weak men and women strong.

On June 11, 1936, the defendant entered a plea of guilty and the court imposed a fine of \$50.

M. L. WILSON,

Acting Secretary of Agriculture.

26511. Misbranding of Punch Brand Rubbing Alcohol Compound. U. S. v. 136 Dozen Bottles of Punch Brand Rubbing Alcohol Compound. Default decree of condemnation and destruction. (F. & D. no. 37141. Sample no. 60937-B.)

This case involved an interstate shipment of Punch Brand Rubbing Alcohol Compound that contained no ordinary (ethyl) alcohol, but consisted of isopropyl alcohol, acetone, and water.

On February 4, 1936, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 136 dozen bottles of Punch Brand Rubbing Alcohol Compound at New Haven, Conn., alleging that the article had been shipped in interstate commerce on or about November 19, 1935, by Wilshire Sales Corporation from New York, N. Y., and that it was misbranded in violation of the Food and Drugs Act.

The article was alleged to be misbranded (1) in that the statements on the label, "Rubbing Alcohol Compound" and "Alcohol 70 Proof", were false and

misleading, since it contained no ordinary (ethyl) alcohol, but consisted essentially of isopropyl alcohol, acetone, and water, and (2) in that the package failed to bear a statement on the label of the quantity or proportion of isopropyl alcohol contained therein.

On June 23, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON,
Acting Secretary of Agriculture.

26512. Misbranding of Alco-Sponge-Rub Alcohol. U. S. v. 47% Dozen Bottles of Alco-Sponge-Rub Alcohol. Default decree of condemnation and destruction. (F. & D. no. 37187. Sample no. 60935-B.)

This case involved an interstate shipment of Alco-Sponge-Rub Alcohol the label of which represented that it consisted essentially of ordinary (ethyl) alcohol, when in fact it consisted essentially of isopropyl alcohol (approximately 30 percent), and contained a small proportion of acetone, methyl salicylate, water, and not more than 3 percent, if any, of ordinary (ethyl) alcohol.

On or about February 13, 1936, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 47% dozen bottles of Alco-Sponge-Rub Alcohol at Hartford, Conn., alleging that it had been shipped in interstate commerce on or about January 4, 1936, by National Mart from New York, N. Y., and that it was misbranded in violation of the Food and Drugs Act.

The article was alleged to be misbranded in that the statements, appearing upon the label, "Alco-Sponge-Rub Alcohol * * * For Massaging, Sponging and Customary External Uses of Alcohol", were false and misleading when applied to a product consisting essentially of isopropyl alcohol (approximately 80 percent), a small proportion of acetone, methyl salicylate, water, and not more than 3 percent, if any, of ordinary (ethyl) alcohol. The article was alleged to be misbranded further in that the label failed to bear a statement of the quantity or proportion of isopropyl alcohol contained in the article, since the statement "70 Proof Isopropyl" was meaningless.

On June 15, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON,
Acting Secretary of Agriculture.

26513. Misbranding of Syl-Wey, Vege-trate Formula BF-1 (Tablets), and Vege-broth. U. S. v. 58 Boxes of Syl-Wey. U. S. v. 106 Boxes of Vege-trate Formula BF-1 (Tablets). U. S. v. 192 Boxes of Vege-broth. Consent decrees of condemnation. Products released under bond for relabeling. (F. & D. nos. 37266, 37267, 37268. Sample nos. 51628-B, 51627-B, 51628-B.)

These cases involved an interstate shipment of Syl-Wey, Vege-trate Formula BF-1 (Tablets), and Vege-broth. The label of Syl-Wey bore false and misleading representations that each of the ingredients was of a food nature, and that it contained ergosterol derived from especially cultured nonfermentable, unspent brewer's yeast; and said label bore false and fraudulent representations regarding the curative or therapeutic effect of the article. The label of Vege-trate Formula BF-1 (Tablets) bore false and misleading representations that the article was compounded so as to retain valuable minerals, particularly calcium, phosphorus, iron, magnesium, sodium, potassium, and sulphur, as well as the natural chlorophyll of the vegetable leaf, including the concentrate of rhubarb; and said label bore false and fraudulent representations regarding the curative or therapeutic effects of the article. The label of Vege-broth bore false and misleading representations that the article was compounded so as to retain valuable minerals, including potassium, calcium, sodium, iodine, magnesium, sulphur, chlorophyll, etc., and that the article was a mineral broth; and said label bore false and fraudulent representations regarding the curative or therapeutic effects of the article.

On March 2, 1936, the United States attorney for the District of Columbia, acting upon reports by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, a libel praying seizure and condemnation of 58 boxes of Syl-Wey, a libel praying seizure and condemnation of 106 boxes of Vege-trate Formula BF-1 (Tablets), and a libel praying seizure and condemnation of 192 boxes of Vege-broth at Washington, D. C. The libels alleged that the respective articles had been shipped in interstate commerce on

or about February 6, 1936, from Los Angeles, Calif., by the Health Foundation of California, and that they were misbranded in violation of the Food and Drugs Act.

Analysis of the Syl-Wey showed that it consisted essentially of dried yeast, dried milk, cane sugar, cornstarch, ground seeds resembling seeds of psyllium, and cereal germ. Analysis of the Vege-trate Formula BF-1 (Tablets) showed that it consisted essentially of rice bran, dried okra, seaweed, cinnamon, cranberry, and leaf tissue including a small amount of alfalfa leaf. Analysis of the Vege-broth showed that it consisted essentially of dried yeast, dried alfalfa, onion, tomato, cereal flour, capsicum, celery seed, okra, and common salt.

The Syl-Wey was alleged to be misbranded in that the following statements, appearing upon the label, were false and misleading: "The uniqueness of this formula is enhanced by the fact that each of its ingredients are of a food nature. * * * together with ergosterol derived from especially cultured nonfermentable unspent brewers yeast." Said article was alleged to be misbranded further in that the following statements regarding the curative or therapeutic effects of the article, appearing on the label, were false and fraudulent: "Nature's Regulator As Nature Intended * * * Health Foundation * * * is a gentle regulator * * * not only regulates bowel action * * * Brings you life anew * * * Allays inflammation and inhibits putrefaction within the intestinal tract and as such, is indicated as an intestinal regulator during the nutritional treatment of: * * * Colitis Loss of Appetite Mal-nutrition * * * A scientifically compounded and balanced formula for the nutritional correction of constipation and attendant disorders."

The Vege-trate Formula BF-1 (Tablets) was alleged to be misbranded in that the following statements, appearing on the label, were false and misleading: "Vege-trate Formula BF-1 (Tablets) Is scientifically compounded so as to retain valuable minerals, particularly calcium, phosphorus, iron, magnesium, sodium, potassium, and sulphur, as well as the natural chlorophyll of the vegetable leaf. Included in this is the concentrate of Rhubarb." Said article was alleged to be misbranded further in that the following statements regarding the curative or therapeutic effect of the article, appearing on the label, were false and fraudulent: "Is scientifically compounded so as to retain valuable minerals, particularly calcium, phosphorus, iron, magnesium, sodium, potassium, and sulphur, as well as the natural chlorophyll of the vegetable leaf. Included in this is the concentrate of rhubarb. * * * Alkalinizing in action * * * Health Foundation * * * Highly Recommended as an aid in Counteracting Hyperacidity, Bloat, Gas, Alkalinizer Vegetate's organic mineral salts assist in the neutralization of acids. * * * Brings you life anew. Average requirement 2 to 3 tablets—after each meal—and 2 to 3 tablets before retiring. Tablets can be taken in food, chewed, swallowed, or broken into powder."

The Vege-broth was alleged to be misbranded in that the following statements, appearing on the label, were false and misleading: "A mineral broth scientifically compounded to retain valuable minerals, among which are potassium, calcium, sodium, iodine, magnesium, sulphur, chlorophyll, etc. * * * A mineral broth." Said article was alleged to be misbranded further in that the following statements regarding the curative or therapeutic effect of the article, appearing on the label, were false and fraudulent: "A mineral broth scientifically compounded to retain valuable minerals, among which are potassium, calcium, sodium, iodine, magnesium, sulphur, chlorophyll, etc. * * * 'Brings Beauty from Within' * * * It is healthful * * * Brings you life anew * * * predominantly alkaline * * * Health Foundation."

On June 9, 1936, the Vita Health Food Co. Inc., claimant, having admitted the allegations of the libels and having consented to decrees, judgments of condemnation were entered and it was ordered that the products be released to claimant under bond conditioned that they be relabeled.

M. L. WILSON,
Acting Secretary of Agriculture.

26514. Misbranding of Pulvex Worm Capsules For Puppies and Dogs. U. S. v. 24 Packages of Pulvex Capsules For Puppies and Dogs. Default decree of condemnation and destruction. (F. & D. no. 37311. Sample no. 62293-B.)

This case involved an interstate shipment of an article, labeled "Pulvex Worm Capsules For Puppies and Dogs", the label of the packages of which and an accompanying booklet bore and contained false and fraudulent representations

regarding the curative or therapeutic effects of the article with respect to intestinal worms in dogs.

On March 6, 1936, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 24 packages of an article labeled Pulvex Worm Capsules For Puppies and Dogs at San Antonio, Tex., alleging that the article had been shipped in interstate commerce on or about April 23, 1935, by William Cooper & Nephews, Inc., from Chicago, Ill., and that it was misbranded in violation of the Food and Drugs Act as amended.

Analysis of the article showed that it consisted essentially of castor oil, chenopodium oil, and a small quantity of arecoline.

The article was alleged to be misbranded in that statements borne on the package labels and contained in an accompanying booklet falsely and fraudulently represented that the article was capable of causing the expulsion and destruction of roundworms (ascaris) and hookworms from dogs, including young dogs and puppies.

On June 2, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON,
Acting Secretary of Agriculture.

26515. Adulteration and misbranding of rubbing alcohol compound. U. S. v. 469 Bottles of Rubbing Alcohol Compound. Default decree of condemnation and destruction. (F. & D. no. 37325. Sample no. 67353-B.)

This case involved an interstate shipment of an article, labeled "Rubbing Alcohol Compound", that contained no ordinary (ethyl) alcohol but consisted of a mixture of isopropyl alcohol, acetone, and water, and the quantity or proportion of isopropyl alcohol contained therein was not stated on the label.

On March 6, 1936, the United States attorney for the District of Delaware, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 469 bottles of an article, labeled "Rubbing Alcohol Compound", at Wilmington, Del., alleging that the article had been shipped in interstate commerce on or about January 14, 1936, by the Bradley Laboratory from Philadelphia, Pa., and that it was adulterated and misbranded in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, namely, "Rubbing Alcohol Compound", since it did not contain ordinary (ethyl) alcohol, but consisted of a mixture of isopropyl alcohol, acetone, and water.

The article was alleged to be misbranded in that the statement on the label, "Rubbing Alcohol Compound", was false and misleading, since the article did not consist of ordinary (ethyl) alcohol, but of a mixture of isopropyl alcohol, acetone, and water. The article was alleged to be misbranded further in that the package failed to bear upon its label a statement of the quantity or proportion of isopropyl alcohol contained therein, since the expression, "Isopropyl Alcohol 70 Proof", on the label was meaningless.

On June 12, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the article be destroyed.

M. L. WILSON,
Acting Secretary of Agriculture.

26516. Misbranding of Milam Herb Compound. U. S. v. 51 Bottles of Milam Herb Compound. Default decree of condemnation and destruction. (F. & D. no. 37388. Sample no. 62901-B.)

This case involved an interstate shipment of Milam Herb Compound that was misbranded because of false and fraudulent therapeutic and curative claims in the labeling.

On March 23, 1936, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 51 bottles of Milam Herb Compound at Richmond, Va., alleging that the article had been shipped in interstate commerce on or about September 29, 1934, by Milam, Inc., from Charlotte, N. C., and charging misbranding in violation of the Food and Drugs Act as amended.

An analysis of a sample showed that the article consisted essentially of extracts of plant drugs, including a laxative plant drug, and small proportions of nitric and salicylic acids.

The article was alleged to be misbranded in that the following statements regarding its curative and therapeutic effects were false and fraudulent: (Carton) "Aids * * * Digestion"; (bottle label) "Aids * * * Digestion. This Compound has been successfully used * * * for all ailments arising from Impure, Impoverished or Acid blood. Is valuable in all Run-Down and Depleted conditions."

On August 27, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON,
Acting Secretary of Agriculture.

26517. **Misbranding of H. G. C. U. S. v. 18 Dozen Bottles and 10 Bottles of H. G. C. Default decrees of condemnation and destruction.** (F. & D. nos. 37492, 37535. Sample nos. 48302-B, 68887-B.)

These cases involved interstate shipments of an article, described as H. G. C., the package and label of which falsely and fraudulently represented its curative or therapeutic effect with respect to gonorrhea and gleet.

The United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court on March 31, 1936, a libel praying seizure and condemnation of 18 dozen bottles of H. G. C., at San Antonio, Tex.; and the United States attorney for the Northern District of Illinois filed in the district court on April 7, 1936, a libel praying seizure and condemnation of 10 bottles of an article so labeled at Chicago, Ill. It was alleged that the article had been shipped in interstate commerce by the Acme Chemical Co., from New Orleans, La., on or about October 7, 1933, December 2 and 28, 1935, January 19, February 26, and March 11, 1936, and that it was misbranded in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article, composed of a substance contained in an envelope and a liquid contained in a bottle, showed that the substance in the envelope was magnesium sulphate, and the liquid in the bottle consisted essentially of a small quantity each of borax and berberine sulphate dissolved in water.

It was alleged in both libels that the letters, "H. G. C." on the label, meant to purchasers that the article was a remedy for gonorrhea and gleet, said letters having attained such meaning through long existing general knowledge incident to and as a result of the following facts: (1) That an application that said letters "H. G. C." be designated as a trade mark for a remedy for gonorrhea and gleet, then filed in the United States Patent Office, contained the following statements: "Trade Mark A Remedy for Gonorrhea and Gleet No. 17,590 Registered Feb. 25, 1890 H * * * G * * * C Trade Mark"; (2) and that after such registration of the letters "H. G. C." as a trade mark for the article on February 25, 1890, it was labeled and sold as "H. G. C. * * * A Reliable Remedy for Gonorrhea and Gleet" until on or about December 28, 1912, thereafter such article was labeled and sold as "H. G. C. * * * A safe Non-poisonous Injection for Gonorrhea and Gleet" until on or about April 1, 1919, thereafter such article was labeled and sold as "H. G. C. * * * A Non-poisonous Injection for Gonorrhea and Gleet"; and thereafter the labeling of the article was finally changed so that no statement in explanation of the purpose of such article, except the device "H. G. C.", remained upon the labels thereof, and the article in the shipments aforesaid was so labeled, that is, with no statement in explanation of the device "H. G. C." that appeared on the label, except said device itself, which meant that the article was, as formerly labeled and sold for many years, "a remedy for gonorrhea and gleet."

The article in both cases was alleged to be misbranded in that the device "H. G. C.", borne on the label, meaning a remedy for gonorrhea and gleet, falsely and fraudulently represented that the article was capable of producing the curative or therapeutic effect claimed by means of the said device. The article in the second case was alleged to be misbranded further in that the following statements, contained within the package, falsely and fraudulently represented that the article was capable of producing the curative or therapeutic effect claimed: (Memorandum book, inside cover) "H. G. C. Has Stood The Test for Over Fifty Years"; and (memorandum book, outside cover) "H. G. C. Relieves 1 to 3 Days For Mucous Discharges and Catarrhal Conditions"; (match box) "H. G. C. Usually Relieves 1 to 3 Days. H. G. C. is a tried and well known treatment of more than 50 years standing for catarrhal conditions and all mucous discharges. It has a tonic influence upon the sur-

faces and has been found very beneficial for the above conditions"; (on a pencil) "H. G. C. Relieves in 1 to 3 Days."

On June 24 and July 7, 1936, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

M. L. WILSON,
Acting Secretary of Agriculture.

26518. Misbranding of Walko Tablets. U. S. v. 143¾ Dozen Packages and 188¾ Dozen Packages of Walko Tablets. Default decrees of condemnation and destruction. (F. & D. nos. 37496, 37497. Sample nos. 68163-B, 68881-B.)

This case involved interstate shipments of Walko Tablets the package of which contained false and fraudulent representations regarding the curative or therapeutic effects of the article with respect to poultry diseases.

On April 1, 1936, the United States attorneys for the Southern District of Ohio and for the Southern District of Texas, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation, respectively, of 143¾ dozen packages at Columbus, Ohio, and of 188¾ dozen packages at Houston, Tex., of Walko Tablets. It was alleged that the article had been shipped in interstate commerce by the Walker Remedy Co., from Waterloo, Iowa, on or about January 16 and January 21, 1936, respectively, and that it was misbranded in violation of the Food and Drugs Act as amended.

Analysis of the article showed that it consisted essentially of iron sulphate, potassium permanganate, alum, and gypsum.

The article was alleged to be misbranded in that the statements appearing upon and within the package, "For Your Poultry Troubles * * * Especially valuable for Simple Diarrhea and Loose Bowel Trouble among baby chicks", falsely and fraudulently represented that the article was capable of producing the curative or therapeutic effects claimed.

On June 16 and July 27, 1936, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

M. L. WILSON,
Acting Secretary of Agriculture.

26519. Misbranding of Kopp's. U. S. v. 16¾ Dozen Bottles and 13 Dozen Bottles of Kopp's. Default decrees of condemnation and destruction. (F. & D. nos. 37539, 37540. Sample no. 56501-B.)

These cases involved interstate shipments of Kopp's the label and package of which bore and contained false and misleading representations that the article was a safe and appropriate remedy for infants and young children, and false and fraudulent representations regarding the curative or therapeutic effect of the article.

On April 6, 1936, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court two libels praying seizure and condemnation of 16¾ dozen bottles and 13 dozen bottles of three sizes of an article, labeled "Kopp's", at Milwaukee, Wis., alleging that the article had been shipped in interstate commerce on or about December 31, 1935, and March 7, 1936, by C. Robert Kopp, Inc., from Hellam, Pa., and that it was misbranded in violation of the Food and Drugs Act as amended. The article, contained in bottles of three sizes, was labeled in part: "Kopp's Alcohol about 8½ per cent. Sulphate of Morphine ½ Grain per Ounce * * * C. Robert Kopp Incorporated, York, Pa., U. S. A."

Analysis of the article showed that it consisted essentially of morphine sulphate (approximately ½ grain per fluid ounce), anise oil, alcohol, sugar, and water.

The article was alleged to be misbranded in that directions borne on the label and contained in a circular in all of the packages except those of the medium size, detailing how the article should be administered to infants and young children, together with a representation of a baby on said circular entitled "Kopp's Remedies For Babies and Children", were false and misleading in that they indicated that the article was a safe and appropriate remedy for administration to infants and young children, when in fact it was not, since infants and young children are susceptible to poisoning from morphine, an ingredient of the article. The article was alleged to be misbranded further in that the said directions borne on the label and contained in the said circular in all of the packages except those of medium size, together with the said

representation of a baby on said circular entitled "Kopp's Remedies For Babies and Children", falsely and fraudulently represented that the article was capable of producing the curative or therapeutic effect claimed.

On May 25, 1936, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

M. L. WILSON,

Acting Secretary of Agriculture.

26520. Misbranding of Kopp's. U. S. v. 99 Bottles and 113 Bottles of Kopp's. Default decrees of condemnation and destruction. (F. & D. nos. 37541, 37546. Sample nos. 55261-B, 55263-B.)

These cases involved interstate shipments of Kopp's. The article was represented on the label and in an accompanying circular as a safe and appropriate remedy for infants and young children, whereas infants and young children are susceptible to poisoning from morphine, which was contained in the article, and the label and the circular bore and contained false and fraudulent representations regarding the curative or therapeutic effect of the article.

The United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the district court on April 9, 1936, a libel praying seizure and condemnation of 99 bottles, and on April 14, 1936, a libel praying seizure and condemnation of 113 bottles of an article labeled "Kopp's" at Chicago, Ill., alleging that it had been shipped in interstate commerce on or about December 12, 1935, and January 27, 1936, by C. Robert Kopp, Inc., from Hellam, Pa., and that it was misbranded in violation of the Food and Drugs Act as amended.

Analysis of the article showed that it consisted essentially of morphine sulphate (approximately one-eighth of a grain per fluid ounce), anise oil, alcohol, sugar, and water.

The article was alleged to be misbranded in that the following directions, borne on the label and contained in an accompanying circular entitled "Kopp's Remedies for Babies and Children", together with a representation (in the circular) of a baby, "Directions—Dose for a child 1 week old, 4 drops; 2 weeks, 6 drops; 1 month, 10 to 12 drops; 2 months, 15 to 18 drops; 3 to 4 months, $\frac{1}{8}$ teaspoonful; 4 to 6 months, $\frac{1}{2}$ teaspoonful; 6 to 9 months, $\frac{3}{8}$ teaspoonful; 12 months and over, 1 teaspoonful. Repeat in 3 or 4 hours if necessary", and (in German and other foreign languages) "Directions—Dose for a child 1 week old, 6 drops; 2 weeks old, 8 drops; 1 month, 15 to 18 drops; 2 months, 20 to 25 drops; 3 to 4 months, $\frac{1}{2}$ teaspoonful; 4 to 6 months, $\frac{3}{8}$ teaspoonful; 6 to 9 months, 1 teaspoonful; twelve or more months, $1\frac{1}{2}$ teaspoonful. Repeat the dose every 3 to 4 hours if necessary", were false and misleading in that they represented that the article was a safe and appropriate remedy for infants and young children, when in fact it was not, since infants and young children are susceptible to poisoning from morphine, an ingredient of said article. The article was alleged to be misbranded further in that the aforesaid directions borne on the label and contained in the accompanying circular, together with the representation (in the circular) of a baby, falsely and fraudulently represented that the article was capable of producing the curative or therapeutic effect claimed.

On June 24 and 25, 1936, no claimant having appeared, judgments of condemnation were entered, and it was ordered that the product be destroyed.

M. L. WILSON,

Acting Secretary of Agriculture.

26521. Misbranding of Tricasco. U. S. v. 270 Bottles of Tricasco. Default decree of condemnation and destruction. (F. & D. no. 37548. Sample no. 55864-B.)

This case involved an interstate shipment of an article described as Tricasco the package of which and an accompanying circular bore and contained false and fraudulent representations regarding its curative or therapeutic effects.

On April 6, 1936, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 270 bottles of an article labeled Tricasco at Pontiac, Mich., alleging that the article had been shipped in interstate commerce on or about March 16, 1936, by the Tricasco Laboratories from Chicago, Ill., and that it was misbranded in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article showed that it consisted essentially of water, sugar, and extracts of plant drugs including licorice and a laxative plant drug.

The article was alleged to be misbranded in that statements regarding its curative or therapeutic effects, borne on the package and contained in an accompanying circular, falsely and fraudulently represented that it would be effective for the treatment of a run-down condition and various other ailments detrimental to health; that it would be effective in cleansing the system and as a tonic; that it was capable of restoring resistance to disease; that it would be effective in eliminating impurities and acids from the body; that it was capable of restoring and causing health; that it would be effective as a remedy or cure for sick headache, loss of sleep, dizziness, weak eyes, gallstones, gravel, gall-bladder infections, liver complaints, biliousness, faulty nutrition, bile disorders, stomach trouble, indigestion, catarrh of the stomach, ulcers of the stomach, loss of appetite, sour stomach, acid stomach, gas in stomach, offensive breath, eruptions on the skin, boils and pimples, coughs, grip, consumption, pneumonia, heartburn, nervousness, palpitation of the heart, muscular aches and pains, rheumatism, neuritis, arthritis, intestinal trouble, gas pains, sciatica, gout, lumbago, uric acid in the blood, kidney disorders, pains in the back, bladder trouble, painful urination, frequent urination, asthma, skin diseases, impure blood, piles, tired feeling, loss of energy, and general run-down system; that it would be effective in cleansing the stomach, liver, kidneys, bladder, and bowels of impurities and would enrich and build up the blood and invigorate and renovate the whole system; and that it would eliminate poisonous acids and impurities from the body.

On June 16, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON,
Acting Secretary of Agriculture.

26522. Misbranding of Diaplex. U. S. v. 22 Packages of Diaplex. Default decree of condemnation and destruction. (F. & D. no. 37549. Sample no. 49139-B.)

This case involved an interstate shipment of Diaplex the package of which bore false and fraudulent representations regarding the curative or therapeutic effect of the article with respect to diabetes.

On April 6, 1936, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 22 packages of Diaplex at Salina, Kans., alleging that the article had been transported in interstate commerce on or about March 14, 1936, by Roy Randall, from Denver, Colo., and that it was misbranded in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article showed that it consisted essentially of coarsely ground leaves and stems and some root fragments of saltbush (*Atriplex*).

The article was alleged to be misbranded in that the following statements regarding the curative or therapeutic effect of the article, appearing upon the package, falsely and fraudulently represented that it would have the effect claimed in said statements: "Diaplex * * * Diaplex for Diabetics Directions. Use two to three heaping tablespoons full of Diaplex to each pint of water, then bring to a boil or percolate in a porcelain or earthen coffee percolator for ten minutes * * * Always serve Diaplex fresh and hot (never luke warm or cold). A diabetic should drink at least two quarts of Diaplex daily, for from three to nine months. Also watch the urine test daily and you will be amazed at the results. Diaplex contains no opiates and is non-injurious. Persons using Diaplex with insulin should make the urine test daily, and as the pancreas increases its normal function, reduce the amount of insulin sufficiently to avoid insulin reaction. Only use enough insulin to take care of the surplus sugar, and eventually eliminate the insulin entirely. But continue the use of Diaplex until you are well and strong. Persons who have never used insulin, and not in coma, will find it unnecessary to do so. All that will be required is to adhere to a good diabetic diet and drink two quarts daily of Diaplex for a few months, and like thousands of others he too, will rejoice in the grand activity of good health and vigor."

On July 8, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON,
Acting Secretary of Agriculture.

26523. Adulteration and misbranding of L. G. C. Lee's Herbal Compound; misbranding of Chlor-O-Zone. U. S. v. 46 Bottles of L. G. C. Lee's Herbal Compound. U. S. v. 33 Bottles of Chlor-O-Zone. Default decrees of condemnation and destruction. (F. & D. nos. 37556, 37557. Sample nos. 54709-B, 54710-B.)

These cases involved interstate shipments of L. G. C. Lee's Herbal Compound and Chlor-O-Zone. L. G. C. Lee's Herbal Compound was represented on the label to contain potassium iodide, iron iodide, iron peptonate, and sodium salicylate, when in fact it contained no potassium iodide, no iron iodide, and no significant amounts of iron peptonate or sodium salicylate; the label failed to bear a statement of the quantity or proportion of alcohol contained in the article; and the label and package bore and contained false and fraudulent representations regarding the curative or therapeutic effect of the article. The Chlor-O-Zone was represented on the label as the most powerful known germicide, when in fact it was not; and the label and package bore and contained false and fraudulent representations regarding the curative or therapeutic effects of the article.

On April 7, 1936, the United States attorney for the Western District of New York, acting upon reports by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 22 quart bottles and 24 pint bottles of L. G. C. Lee's Herbal Compound, and a libel praying seizure and condemnation of Chlor-O-Zone at Buffalo, N. Y. It was alleged that the articles had been shipped in interstate commerce March 9, 1936, by the Erie Laboratories from Cleveland, Ohio, and that L. G. C. Lee's Herbal Compound was adulterated and misbranded, and the Chlor-O-Zone was misbranded in violation of the Food and Drugs Act.

L. G. C. Lee's Herbal Compound was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold, since it contained no potassium iodide, no iron iodide, and no significant amount of iron peptonate or sodium salicylate. Said article was alleged to be misbranded in that statements appearing on the bottle labels and on the cartons of one lot, representing that the article contained potassium iodide, iron iodide, iron peptonate, and sodium salicylate, were false and misleading. Said article was alleged to be misbranded further in that the label failed to bear a statement of the quantity or proportion of alcohol contained therein. Misbranding of the article was alleged further in that statements appearing on the bottle labels represented the curative or therapeutic effects of the article falsely and fraudulently with respect to systemic disturbances manifested as eruptions, pimples, tetter, acne, rash, and other minor skin diseases, and a general low state of health. Said article in the 22 quart bottles was alleged to be misbranded in that certain statements appearing on the cartons regarding the curative or therapeutic effects of the article falsely and fraudulently represented that it was effective in eliminating uric acid from the system, and in the treatment of skin eruptions and minor skin troubles, in strengthening the nervous system, in the treatment of arthritis, lumbago, sciatica and similar afflictions; as an alternative to re-establish healthy functions of the system; in the treatment of scrofula, acne, boils, and all sorts of impure, unhealthy conditions of the blood; as a stimulant to the nervous system, to increase the functional activity of all the organs, improving digestion, nutrition, and circulation; in the treatment of chronic constipation and to restore tone to relaxed bowel muscles, insuring permanent beneficial results; as a systemic antiseptic; to increase resistance of the body to infections and to combat the germs in the blood that bring on boils and septicemia, and other poisonous substances circulating in the blood; as a febrifuge and general detoxant; in the treatment of hepatic torpor, sluggish liver, and chronic constipation; as an alternative to increase all glandular secretions, to break down waste tissue, and to eliminate poisonous substances from the system; to enrich the blood by furnishing iron to the hemoglobin of the red corpuscles; in the treatment of nervous and run-down conditions wherein the patient lacks pep or ambition, is easily tired out and easily exhausted, and in the treatment of headaches and dizzy spells, lifeless and colorless complexion, failing memory, sleeplessness, coated tongue, bad breath, and pale and anemic conditions.

Chlor-O-Zone was alleged to be misbranded in that the statement, "a new Germicide more powerful than any heretofore known", borne on the label, was false and misleading. Said article was alleged to be misbranded further in that statements, appearing on the bottle labels of one lot, "The ideal Daily Mouth Wash for the treatment of Pyorrhea, Tender, Bleeding Spongy or Receding Gums. Keeps the gums firm and healthy, * * *" and the statements, appearing on the bottle labels of the remaining lot, "It reduced infections of

wounds in Allied Camps and Hospitals from 75% to almost nothing, saved the lives of hundreds of thousands of soldiers * * * Pyorrhea In established advanced stages use full strength * * * General Antisepsis of Mouth, Teeth, Throat * * * Stomatitis * * * Trench Mouth, Dermatitis—Eczema * * * Tonsillitis—Sore Throat * * * Pink Eye—Conjunctivitis—Vaginitis—Leucorrhea", falsely and fraudulently represented the curative or therapeutic effects of the article as an antiseptic and with respect to the diseases and conditions named.

On May 11, 1936, no claimant having appeared, judgments of condemnation were entered, and it was ordered that the products be destroyed.

M. L. WILSON,

Acting Secretary of Agriculture.

26524. Adulteration and misbranding of Ward's Vitamized Tonic Tablets. U. S. v. 48 Dozen Bottles of Ward's Vitamized Tonic Tablets. Default decree of condemnation and destruction. (F. & D. no. 37570. Sample no. 63108-B.)

This case involved an interstate shipment of Ward's Vitamized Tonic Tablets represented on the label to contain certain numbers of units of vitamin A and vitamin D, when in fact they contained less than such numbers of said units.

On April 9, 1936, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 48 dozen bottles of Ward's Vitamized Tonic Tablets at St. Paul, Minn., alleging that the article had been shipped in interstate commerce on or about January 27, 1936, by the Savoy Drug & Chemical Co., from Chicago, Ill., and that it was adulterated and misbranded in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard under which it was sold, namely, "Each tablet contains 1100 units Vitamin A and 500 units Vitamin D, which is equivalent to the vitamin content of one-half teaspoonful pure Cod Liver Oil."

The article was alleged to be misbranded in that the statement on the label, "Ward's Vitamized Tonic Tablets Each tablet contains 1100 units Vitamin A and 500 units Vitamin D, which is equivalent to the vitamin content of one-half teaspoonful pure Cod Liver Oil", was false and misleading when applied to a product containing less than 550 U. S. P. units of vitamin A and less than 156 U. S. P. units of vitamin D.

On June 27, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON,

Acting Secretary of Agriculture.

26525. Adulteration and misbranding of Alco-Sponge-Rub Alcohol. U. S. v. 216 Bottles of Alco-Sponge-Rub Alcohol. Default decree of condemnation and destruction. (F. & D. no. 87577. Sample no. 64010-B.)

This case involved an interstate shipment of Alco-Sponge-Rub Alcohol which was labeled to represent that it consisted of ordinary (ethyl) alcohol, when in fact it consisted of a mixture of isopropyl alcohol and water.

On April 11, 1936, the United States attorney for the Middle District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 216 bottles of Alco-Sponge-Rub Alcohol at Greensboro, N. C., alleging that the article had been shipped in interstate commerce on or about January 22, 1936, by the Mills Sales Co., from New York, N. Y., and that it was adulterated and misbranded in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard under which it was sold, namely, "Alcohol", since the article did not consist of ordinary (ethyl) alcohol, but did consist of a mixture of isopropyl alcohol and water.

The article was alleged to be misbranded in that the statement on the label, "Alcohol", was false and misleading when applied to a product consisting of a mixture of isopropyl alcohol and water. The article was alleged to be misbranded further in that the package failed to bear upon its label a statement of the quantity or proportion of isopropyl alcohol contained in the article, since the statement "70 Proof Isopropyl" was meaningless.

On June 10, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON,

Acting Secretary of Agriculture.

INDEX TO NOTICES OF JUDGMENT 26476-26525

	N. J. No.		N. J. No.
Aconite, tincture:		Mentos:	
Mutual Pharmacal Co. 26479,	26502	Mentos Products, Inc.-----	26500
Alcohol, rubbing, compound:		Milam Herb Compound:	
Bradley Laboratory-----	26515	Milam, Inc.-----	26516
Mills Sales Co.-----	26525	Mims, J. H., Iron Tonic:	
National Mart-----	26512	Mims Medicine Co.-----	26505
Reo Chemical Corporation-----	26483	Mineral Life:	
Wilshire Sales Corporation-----	26496,	Mineral Life Laboratories, Inc.-----	26508
	26511	Mykel Tooth Powder:	
Blu-V-Spray:		Kent Co., Inc.-----	26493
Lake, Tim, Products, Inc.-----	26481	Neurosine:	
Chlor-O-Zone:		Dios Chemical Co.-----	26507
Erie Laboratories-----	26523	Old Indian Herb Laxative:	
Clark's, E. O., Famous Liquid For-		Pearson Remedy Co.-----	26477
mula No. 6:		Owl Elixir Iron, Quinine and Strych-	
Clark, E. O.-----	26509	nine:	
Clark Remedies Co.-----	26509	United Drug Co.-----	26504
Cod-liver oil:		Norwegian Cod Liver Oil:	
United Drug Co.-----	26490	United Drug Co.-----	26490
Codi's Red Star:		Physicians & Surgeons Rubbing Alco-	
Codi Laboratories-----	26478	hol Compound:	
Correcol:		Reo Chemical Corporation-----	26483
Modern Health Products, Inc.-----	26484	Pituitary solution:	
Dlaxlex:		Carnrick, G. W., Co.-----	26480
Pierce, H. W.-----	26501	Potassium broth:	
Predmore, W. J.-----	26501	Modern Health Products, Inc.-----	26484
Randall, Roy-----	26522	Pulvex Worm Capsules:	
Economy First Aid Kit. See Iodine		Cooper, William, & Nephews,	
compound.		Inc.-----	26485,
Epsolin:		Slim:	
Union Products Co.-----	26488	Modern Health Products, Inc.-----	26484
"Four Leaf Clovers":		Standard Curalone:	
Pilgrim Co.-----	26499	Fumoli:	
Ginseng tonic:		Heave Powder:	
Universal Medicine Co.-----	26510	Necro Tabs:	
Hauser Potassium Broth:		Roup Remedy:	
Modern Health Products, Inc.-----	26484	Sulpho-Carb Antiseptic Tablets:	
H. G. C.:		Gamble, J. W.-----	26506
Acme Chemical Co.-----	26495,	Standard Chemical Manufac-	
Acme Chemical Manufacturing	26495	turing Co.-----	26506
Co., Ltd.-----	26495	Syl-Wey:	
Holford's Famous Inhaler:		Health Foundation of Cali-	
Holford Co.-----	26492	fornia-----	26513
Iodine compound:		Table Gee Valuable Elements of Milk:	
Union Products Co.-----	26494	Table Food Concentrates, Inc.-----	26487
Iron, quinine, and strychnine, elixir:		Tooth paste:	
United Drug Co.-----	26504	McKesson & Robbins, Inc.-----	26491
Iron tonic:		powder:	
Mims Medicine Co.-----	26505	Kent Co., Inc.-----	26493
Italina Effervescent Salts:		Tricasco:	
Bonomo, F., & Co.-----	26503	Tricasco Laboratories-----	26521
Florets Products Co.-----	26503	Turner's Solution for Poultry:	
Lapone, Louis-----	26503	Turner, A. M., Poultry Prod-	
Trieste Importing Co.-----	26503	ucts Co., Ltd.-----	26486
Jermite Poultry Tonic:		Universal Tonic Ginseng:	
Wormer:		Universal Medicine Co.-----	26510
Lake, Tim, Products, Inc.-----	26481	Van Cleve, J. L.-----	26510
Kadiok:		Van-Tage:	
Dee Lure Medicine Co.-----	26498	Van-Tage Medicine Co., Inc.-----	26482
Katro-Lek:		Vege-broth:	
Wojtasinski, W., Drug Co.-----	26476	Health Foundation of Cali-	
Kopp's:		fornia-----	26513
Kopp, C. Robert, Inc.-----	26519,	Vege-trate Formula BF-1:	
26520		Health Foundation of Cali-	
Lee's, L. G. C., Herbal Compound:		fornia-----	26513
Erie Laboratories-----	26523	Videx:	
McKesson's Milk of Magnesia Tooth		Grove Laboratories, Inc.-----	26489
Paste:		Walko Tablets:	
McKesson & Robbins, Inc.-----	26491	Walker Remedy Co.-----	26497,
		26518	
		Ward's, Dr., Rubbing Alcohol:	
		Wilshire Sales Corporation-----	26496
		Ward's Vitamized Tonic Tablets:	
		Savoy Drug & Chemical Co.-----	26524

¹ Contains instructions to the jury.

United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

RECEIVED



JUN 19 1937



NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

26526-26725

[Approved by the Acting Secretary of Agriculture, Washington, D. C., April 10, 1937]

26526. Adulteration and misbranding of cheese. U. S. v. Frank Gaybrant, trading as Corticelli & Gaybrant. Plea of guilty. Fine, \$75. (F. & D. no. 36021. Sample no. 27763-B.)

This case involved skim milk cheese containing added starch that had been substituted for Italian grated cheese. The label failed to bear a plain and correct statement of the quantity of the contents.

On November 21, 1935, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Frank Gaybrant, trading as Corticelli & Gaybrant, Newark, N. J., alleging that on or about June 18, 1935, the defendant shipped from Newark, N. J., to the District of Columbia a quantity of cheese that was adulterated and misbranded in violation of the Food and Drugs Act as amended. The article was labeled in part: "Italian Grated Cheese * * * Corticelli & Gaybrant * * * Newark, N. J. Contains 1½ Oz. Packed."

The article was alleged to be adulterated in that skim milk cheese and added starch had been mixed and packed with it so as to reduce and lower and injuriously affect its quality; and in that a product consisting of skim milk cheese and added starch had been substituted for Italian grated cheese composed of a blend of genuine Parmesan and other choice Italian cheeses, which the article purported to be.

The article was alleged to be misbranded in that the statements, "Italian Grated Cheese" and "This Package Contains A Blend of Genuine Parmesan and Other Choice Italian Cheeses", borne on the packages, were false and misleading in that the said statements represented that the article was Italian grated cheese composed of a blend of genuine Parmesan and other Italian cheeses, whereas it was not; in that the statements were borne on the packages so as to deceive and mislead the purchaser; in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package since the statement "Contains 1½ Oz. Packed" was borne on the package in such small and blurred lettering as to be practically unnoticeable; and in that the quantity of the contents in some of the packages was less than the quantity stated on the label.

On November 27, 1935, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$75.

M. L. WILSON, *Acting Secretary of Agriculture.*

26527. Adulteration of canned salmon. U. S. v. 2,017, 3,170, and 13,220 Cases of Salmon. Portion of product condemned and released under bond; remainder released unconditionally. (F. & D. nos. 36815, 36861, 36874. Sample nos. 53834-B, 53840-B, 53841-B, 54374-B, 54375-B, 54377-B.)

These cases involved canned salmon that was in part decomposed.

On December 19, 23, and 30, 1935, the United States attorney for the Western District of Washington, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 18,407 cases of canned salmon at Bellingham, Wash., alleging that the article had been shipped in interstate commerce between the dates of June 8 and August 20, 1935, by the Pacific American Fisheries, Inc., from Alitak and King Cove, Alaska, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On October 6, 1936, the Pacific American Fisheries, Inc., having appeared as claimant, judgments of condemnation were entered covering portions of said shipments, consisting of approximately 7,554 cases, and it was ordered that the said portions be released under bond conditioned that the cans containing decomposed salmon be separated therefrom and destroyed. The remainder was released as not adulterated.

M. L. WILSON, *Acting Secretary of Agriculture.*

26528. Adulteration of canned tuna. U. S. v. 74 Cases of Canned Tuna. Decree of condemnation. Product released under bond for segregation and destruction of decomposed portion. (F. & D. no. 36752. Sample no. 85125-B.)

This case involved canned tuna that was in part decomposed.

On December 9, 1935, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 74 cases of canned tuna at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about October 20, 1935, by the Coast Fishing Co., from Wilmington, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Sea Ace Brand Extra Quality Tuna * * * Packed by Franco-Italian Packing Co. Inc. Terminal Island California."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On November 23, 1936, the Franco-Italian Packing Co., a corporation, having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond, conditioned that the cans containing decomposed tuna be segregated and destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26529. Adulteration of crab meat. U. S. v. William G. Ruark (W. G. Ruark & Co.) Plea of nolo contendere. Fine, \$50. (F. & D. no. 36959. Sample nos. 4699-B, 5051-B, 32187-A, 39736-B, 39740-B, 39741-B, 39765-B, 39915-B.)

This case involved crab meat that was filthy as evidenced by the presence of fecal *Bacillus coli*.

On April 6, 1936, the United States attorney for the Eastern District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court an information against William G. Ruark, trading as W. G. Ruark & Co., Belhaven, N. C., alleging that the defendant had shipped in interstate commerce from the State of North Carolina various lots of crab meat; that the shipments had been made on or about July 3, 1933, into the State of New York; on or about August 12 and August 19, 1934, into the District of Columbia; and on or about July 12, 16, 17, 18, and 20, 1935, into the State of Maryland and that the article was adulterated in violation of the Food and Drugs Act. The article was labeled in part: "Green Top Brand."

The article was alleged to be adulterated in that it consisted in part of a filthy animal substance, since it was polluted by and contained fecal *B. coli*.

On October 5, 1936, a plea of nolo contendere was entered on behalf of the defendant and the court imposed a fine of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

26530. Adulteration of canned salmon. U. S. v. Alaska Salmon Packing Co. Plea of guilty. Fine, \$50 and costs. (F. & D. no. 36968. Sample nos. 40500-B, 40513-B, 40879-B, 40896-B.)

This case involved canned salmon that was in part decomposed.

On May 16, 1936, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Alaska Southern Packing Co., a corporation, with its principal place of business at Kupreanof Harbor, Alaska, and trading at Seattle, Wash., alleging that on or about July 29, 1935, the defendant company shipped from Kupreanof Harbor, Alaska, into the State of Washington a quantity of canned salmon that was adulterated in violation of the Food and Drugs Act.

The information alleged that the article was adulterated in that it consisted in part of a decomposed and putrid animal substance.

On November 2, 1936, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$50 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

26531. Adulteration of canned tuna fish. U. S. v. 100 Cases of Canned Tuna Fish. Decree of condemnation. Product ordered released under bond conditioned that decomposed portion be destroyed. (F. & D. no. 36932. Sample no. 44084-B.)

This case involved canned tuna fish that was in part decomposed.

On January 13, 1936, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 100 cases of canned tuna fish at Springfield, Mass., alleging that the article had been shipped in interstate commerce on or about October 20, 1935, by Franco-Italian Packing Co., Inc., from Terminal Island, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Wedge-wood Brand Tuna Fish * * * Downing, Taylor Co. Distributors, Springfield, Mass."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On November 23, 1936, the Franco-Italian Packing Co., a corporation, having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond, conditioned that the portion which was bad be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26532. Misbranding of bakery products. U. S. v. Devon Bakeries, Inc. Plea of guilty. Fine, \$155. (F. & D. no. 36993. Sample nos. 22092-B to 22098-B, incl., 42868-B to 42871-B, incl., 44703-B, 44704-B, 44705-B.)

These products were misbranded because of an erroneous statement of the weight of the contents of the packages or failure to bear a plain and correct statement of the quantity of the contents of the packages. One of the products was further misbranded because of false and misleading claims regarding its alleged effectiveness in weight reduction.

On July 16, 1936, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Devon Bakeries, Inc., New York, N. Y., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about August 16, August 27, September 7, September 18, and October 2, 1935, from the State of New York into the State of New Jersey; and on or about July 17, September 18, September 20, and September 25, 1935, from the State of New York into the State of Pennsylvania, of quantities of bakery products which were misbranded. The articles were labeled variously: "Devonets Canape Wafers De Luxe * * * Devon Bakeries, Inc. New York, N. Y. Chicago, Ill. Net Weight Not Less Than 4½ [or "4"] Oz."; "Devonsheer * * * Melba Toast * * * Net Weight Not Less Than 3¾ Ounces"; "Devonsheer * * * 100% Whole Wheat Toast * * * 3¾ Oz. * * * The Perfect Health Food for Weight Control * * * For Weight Control * * *"; "Devonsheer Old English Golden Brown Toasted Crumbs * * * One Pound Net"; "Devonsheer Kraka Nuts * * * Half Pound Net"; "Devonsheer Gluten-Wheat Melba * * * Composition 2.74 grams * * *"

The articles, with the exception of the gluten-wheat melba, were alleged to be misbranded in that the statements, "Net Weight Not Less Than 4½ Oz.", "Net Weight Not Less Than 3¾ Ounces", "3¾ Oz.", "One Pound Net", "Half Pound Net", "Net Weight Not Less Than 4 Oz.", and "Ozs. Net, 3¾ Oz.", borne on the packages containing the various articles, were false and misleading and in that the articles were labeled as aforesaid so as to deceive and mislead the purchaser, since the packages did not each contain the amount declared on the label, but did contain, in most instances, less than the amount so declared. The whole wheat toast was alleged to be misbranded further in that the statements, "For Weight Control * * * The Perfect Health Food for Weight Control", borne on the package, were false and misleading and were borne so as to deceive and mislead the purchaser into the belief that the article was a perfect health food for weight control; whereas it was not the perfect health food for weight control, since it contained no ingredient or combination of ingredients the consumption of which would control weight. All products were alleged to be misbranded in that they were foods in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package since in the case of all

products, with the exception of the gluten wheat melba, a large proportion of the packages contained less than the amount declared, and in the case of the gluten wheat melba, which was labeled "2.74 grams", the quantity of the contents was not stated in terms of avoirdupois weight and most of the packages examined contained less than the amount declared in grams.

On August 13, 1936, a plea of guilty was entered on behalf of the defendant, and the court imposed a fine of \$155.

M. L. WILSON, *Acting Secretary of Agriculture.*

26533. Misbranding of honey. U. S. v. Levi E. Rogers. Plea of nolo contendere. Fine, \$25. (F. & D. no. 37003. Sample nos. 42519-B, 42552-B to 42555-B, incl., 50427-B, 50428-B, 50429-B.)

This case involved a shipment of honey that was short in weight.

On September 15, 1936, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Levi E. Rogers, Binghamton, N. Y., alleging shipment by said defendant in violation of the Food and Drugs Act on or about June 20, September 27, October 9, and October 28, 1935, from the State of New York into the State of Pennsylvania of a number of jars and pails of honey that was misbranded. The article was labeled: "12 Ozs. [or "7½ Ozs.", "21 Ozs.", or "5 Lbs.]" Net Wgt. Pure Honey Put up By L. E. Rogers, Binghamton, N. Y."

The article was alleged to be misbranded in that the statements on the jars and pails containing the article, "12 Ozs. Net Wgt.", "7½ Ozs. Net Wgt.", "21 Ozs. Net Wgt.", and "5 Lbs. Net Wgt.", were false and misleading since the jars and pails did not contain the amount declared on the label, but did contain a lesser amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 15, 1936, the defendant entered a plea of nolo contendere; and on September 18, 1936, the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

26534. Adulteration and misbranding of cheese. U. S. v. Sunrise Dairy Products, Inc. Plea of guilty. Fine, \$50 and costs. (F. & D. no. 37007. Sample nos. 42609-B, 50290-B.)

This case involved cheese that was deficient in milk fat and contained excessive moisture.

On April 30, 1936, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Sunrise Dairy Products, Inc., Fremont, Ohio, alleging shipment by said defendant in violation of the Food and Drugs Act, on or about October 2 and October 15, 1935, from the State of Ohio into the State of New York of a quantity of alleged whole milk cheese that was adulterated, and of a quantity of alleged full cream cheese that was adulterated and misbranded in violation of the Food and Drugs Act.

The article represented to be whole milk cheese was alleged to be adulterated in that a product containing in the water-free substance less than 50 percent of milk fat, had been substituted for cheese, a product containing in the water-free substance not less than 50 percent of milk fat, which the article purported to be. The article represented to be full cream cheese was alleged to be adulterated in that a product containing an excessive amount of moisture, i. e., more than 39 percent of water, and containing in the water-free substance less than 65 percent of milk fat, namely, not more than 46.75 percent of milk fat, had been substituted for cream cheese, i. e., a product which should contain in the water-free substance not less than 65 percent of milk fat, which the article purported to be.

The latter product was alleged to be misbranded in that the statement "Full Cream Cheese", borne on the boxes, was false and misleading, since said statement represented that the article was cream cheese, a product containing not more than 39 percent of moisture and containing in the water-free substance not less than 65 percent of milk fat, whereas it contained not less than 40.39 percent of water and not more than 46.75 percent of milk fat; in that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was cream cheese; and in that it was offered for sale under the distinctive name of another article, namely, cream cheese.

On September 10, 1936, the defendant entered a plea of guilty and the court imposed a fine of \$50 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

26535. Adulteration and misbranding of butter. U. S. v. Fort Worth Poultry & Egg Co. Plea of guilty. Fine, \$25. (F. & D. no. 37008. Sample nos. 41585-B, 41729-B to 41782-B, incl.)

This case involved butter samples of which were found to contain mold, hairs, insect parts, and other filth. Certain lots were also low in milk fat.

On April 28, 1936, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Fort Worth Poultry & Egg Co., Fort Worth, Tex., alleging that on or about September 24 and October 23, 1935, the defendant company shipped from Fort Worth, Tex., into the State of Louisiana, a number of tubs and cases of butter that was adulterated, and a part of which was misbranded in violation of the Food and Drugs Act. A part of the tub butter was labeled "Springbrook"; and the remainder was labeled "Armour's Cloverbloom Butter." The prints in the cases were labeled: (Wrapper) "Armour's Star * * * Quality Cloverbloom full cream Butter * * * Armour Creameries-Chicago-U. S. A. Distributors."

The article was alleged to be adulterated in that it consisted in part of a filthy and decomposed animal substance. Portions of the article were alleged to be adulterated further in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat as defined and required by the act of Congress of March 4, 1923.

A portion of the article was alleged to be misbranded in that the statement "Butter", borne on the packages and tubs, was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser since said statement represented that the article was butter as defined by law; whereas it was not butter as so defined since it contained less than 80 percent of milk fat.

On October 29, 1936, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

26536. Adulteration and misbranding of process butter. U. S. v. The Rosemary Creamery, Inc. Plea of guilty. Fine, \$200. (F. & D. no. 37010. Sample nos. 29904-B, 29906-B, 45622-B.)

This case involved butter samples of which were found to contain maggots, insects and parts of insects, mold, and various kinds of filth. A part of the article was short in weight.

On April 25, 1936, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Rosemary Creamery, Inc., Atlanta, Ga., alleging that on or about October 7 and October 17, 1935, the defendant company shipped from Atlanta, Ga., into the States of Alabama and Florida, respectively, quantities of butter that was adulterated and a part of which was misbranded in violation of the Food and Drugs Act as amended. The article was labeled in part: (Carton) "Rosemary Pasteurized Process Butter * * * Manufactured by Rosemary Creamery, Atlanta, Georgia. * * * 1 Lb. Net."

The article was alleged to be adulterated in that it consisted in part of a filthy and decomposed animal substance.

A portion of the article was alleged to be misbranded in that the statement "1 Lb. Net", borne on the cartons, was false and misleading and in that it was labeled so as to deceive and mislead the purchaser, since the cartons contained less than 1 pound; and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On October 1, 1936, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$200.

M. L. WILSON, *Acting Secretary of Agriculture.*

26537. Adulteration of butter. U. S. v. Northern Creamery Co. Plea of guilty. Fine, \$125. (F. & D. no. 37016. Sample nos. 40872-B, 40874-B.)

This case involved an interstate shipment of butter that was deficient in milk fat.

On April 29, 1936, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Northern Creamery Co., a corporation, Great Falls, Mont., alleging that on or about December 13, 1935, said defendant had shipped from the State of Montana into the State of Washington quantities of butter that was adulterated in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat as defined by the act of Congress of March 4, 1923, which the article purported to be.

On October 16, 1936, a motion to dismiss filed by the defendant was overruled by the court without opinion. On October 27, 1936, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$125.

M. L. WILSON, *Acting Secretary of Agriculture.*

26538. Misbranding of cottonseed cake or meal. U. S. v. Southland Cotton Oil Co. Plea of guilty. Fine, \$500. (F. & D. no. 37021. Sample nos. 49181-B to 49184-B, incl., 49188-B.)

This case involved cottonseed cake or meal that contained less crude protein than the amount declared on the label.

On September 23, 1936, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Southland Cotton Oil Co., a corporation, Waxahachie, Tex., alleging that between the dates of November 29, 1935, and February 3, 1936, the defendant company shipped from Waxahachie, Tex., into the State of Kansas, quantities of cottonseed cake or meal that was misbranded in violation of the Food and Drugs Act. A portion of the article was labeled: "43% Protein Cottonseed Cake or Meal * * * Manufactured by Southland Cotton Oil Co. Waxahachie, Texas Guaranteed Analysis: Crude Protein (not less than) 43%." The remainder was labeled: "Interstate Brand Prime Cottonseed Cake And Meal * * * Guaranteed Analysis Protein, not less than 43% * * * Made for Interstate Feed Company Fort Worth, Texas."

The article was alleged to be misbranded in that the statements, "43% Protein", "Guaranteed Analysis: Crude Protein (not less than) 43%", and "Guaranteed Analysis Protein, not less than 43%", borne on the tags attached to the sacks, were false and misleading in that said statements represented that the protein content in said article was not less than 43 percent; whereas it was less than 43 percent and in that said statements were borne on said tags so as to deceive and mislead the purchaser into the belief that the protein content was not less than 43 percent, whereas it was less than the amount stated.

On October 14, 1936, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$500.

M. L. WILSON, *Acting Secretary of Agriculture.*

26539. Adulteration of preserves. U. S. v. G. & H. Products, Inc. Plea of nolo contendere. Fine, \$250 and costs. (F. & D. no. 37058. Sample no. 19094-B.)

This case involved assorted preserves that contained added glucose, water, and pectin.

On August 25, 1936, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court an information against G. & H. Products, Inc., St. Louis, Mo., alleging that on or about January 2, 1936, the defendant company shipped from St. Louis, Mo., into the State of Illinois quantities of preserves that were adulterated in violation of the Food and Drugs Act. The articles were variously labeled in part: "Hi-Stile Brand Pure Preserves Packed by Hemple Mfg. Co. St. Louis, Mo. Pure Pineapple Preserves [or "Cherry", "Peach", "Strawberry", or "Blackberry"]."

The articles were alleged to be adulterated in that added glucose, water, and pectin had been mixed and packed with the articles so as to reduce,

lower, and injuriously affect their quality and strength; in that products containing added glucose, water, and pectin had been substituted for pure preserves, which the articles purported to be; and in that added water, glucose, and pectin had been mixed with the articles in a manner whereby their inferiority had been concealed.

On October 30, 1936, a plea of nolo contendere was entered on behalf of the defendant and the court imposed a fine of \$250 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

26540. Adulteration and misbranding of apricot preserve. U. S. v. 11 Cases of Apricot Preserves. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. & D. no. 37358. Sample no. 55935-B.)

This case involved alleged apricot preserve that was deficient in fruit and contained excess sugar and added pectin and acid.

On March 16, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 11 cases of apricot preserve at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about April 5, 1935, by Holsum Products, from Cleveland, Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Centrella Brand Apricot Pure Fruit Preserves Distributed by Central Wholesale Grocers Inc. Chicago, Ill."

The article was alleged to be adulterated in that sugar, pectin, and acid had been mixed and packed with it so as to reduce or lower its quality; in that a mixture of fruit, sugar, pectin, and acid containing less fruit and more sugar than a preserve should contain had been substituted for a preserve; and in that the article had been mixed in a manner whereby inferiority was concealed.

The article was alleged to be misbranded in that the statement on the label, "Apricot Pure Fruit Preserves", was false and misleading and tended to deceive the purchaser when applied to a product deficient in fruit and containing excess sugar and added pectin and acid; and in that it was an imitation of and was offered for sale under the distinctive name of another article.

On September 15, 1936, the Jewett & Sherman Co., Milwaukee, Wis., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond to be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

26541. Adulteration and misbranding of preserves. U. S. v. 51 Cases of Peach Preserves, et al. Decree of condemnation. Portion of product released under bond; remainder destroyed. (F. & D. nos. 37379, 37380, 37444. Sample nos. 51480-B, 51481-B, 51482-B, 51487-B, 51488-B, 51489-B, 51491-B, 51493-B, 51494-B, 55583-B, 55929-B.)

These cases involved assorted preserves that were deficient in fruit and contained excess sugar. The products contained added acid or pectin or both acid and pectin.

On March 20 and 27, 1936, the United States attorneys for the Northern District of Illinois and the Eastern District of Virginia, acting upon reports by the Secretary of Agriculture, filed in the respective district courts libels praying seizure and condemnation of 114 cases of peach preserves at Chicago, Ill., and 421½ cases of assorted preserves, which included blackberry, peach, and damson preserves, at Richmond, Va., alleging that the articles had been shipped in interstate commerce between the dates of February 6, 1935, and January 29, 1936, by Madison Food Products Co., from Cleveland, Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were variously labeled: "None-Such Brand Pure Peach Preserves"; "Edwards Brand * * * Peach [or "Blackberry"] Preserves Packed by the Wm. Edwards Co. Cleveland, Ohio"; "First Prize Brand * * * Pure Peach [or "Damson"] Preserves * * * The William Edwards Co. Distributor Cleveland, Ohio"; "Edwards Brand * * * Pure Peach [or "Damson" or "Blackberry"] Preserves Distributors The Wm. Edwards Co."

The articles were alleged to be adulterated in that mixtures of fruit and sugar, containing added acid or pectin or both acid and pectin, and containing less fruit and more sugar than preserves should contain, had been substituted

for preserves; and in that sugar and acid in the case of certain lots, sugar and pectin in the case of certain lots, and sugar, acid, and pectin in the case of certain other lots, had been mixed and packed with the articles so as to reduce or lower their quality and had been mixed with the articles in a manner whereby inferiority had been concealed.

The articles were alleged to be misbranded in that they were imitations of and were offered for sale under the distinctive names of other articles; and in that the statements, "Blackberry Preserves", "Pure Peach Preserves", "Pure Damson Preserves", and "Pure Blackberry Preserves", were false and misleading and tended to deceive and mislead the purchaser when applied to products resembling preserves but which contained less fruit than preserves should contain.

On September 15, 1936, Jewett & Sherman Co., Milwaukee, Wis., claimant for the two lots of peach preserves seized at Chicago, Ill., having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the products be released under bond to be relabeled under the supervision of this Department.

On August 27, 1936, no claimant having appeared for the products seized at Richmond, Va., judgment of condemnation was entered and it was ordered that they be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26542. Adulteration and misbranding of olive oil. U. S. v. 29 One-gallon Cans, et al., of Alleged Olive Oil. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. & D. nos. 37385, 37414, 37420, 37421, 37422, 37434, 37436, 37479, 37504, 37505. Sample nos. 60925-B, 61229-B, 61230-B, 61233-B, 61234-B, 61778-B, 61779-B, 61784-B, 61785-B, 61788-B.)

These cases involved olive oil that was adulterated with tea-seed oil and a part of which also was short in volume.

On March 18, 24, 27, 28, and April 1, 1936, the United States attorney for the District of New Jersey, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 246 gallon cans, 64 half-gallon cans, 144 pint cans, and 168 half-pint cans of alleged olive oil in various lots at Newark, Jersey City, Union City, Paterson, and West New York, N. J., alleging that the article had been shipped in interstate commerce between the dates of October 28, 1935, and March 4, 1936, by Arte Products, Inc., from New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

The article was alleged to be adulterated in that tea-seed oil had been mixed and packed therewith so as to reduce or lower its quality or strength and had been substituted in whole or in part for olive oil, which the article purported to be.

The article was alleged to be misbranded in that it was offered for sale under the distinctive name of another article, namely, olive oil; and in that the following statements and designs appearing upon the labels were false and misleading and tended to deceive and mislead the purchaser when applied to a product containing tea-seed oil: (Arte brand) "Superfine Pure Olive Oil Imported Product * * * Puro Olio d'Oliva Sopraffino prodotto Importato [designs of olive branches, Italian coat of arms, and Italian flag], "Imported Olive Oil"; (Elena brand) "Superfine Quality Elena * * * Pure Olive Oil Imported from Italy", "Qualita Sopraffino Elena * * * Puro Olio D'Oliva Importato Dall' Italia [design of olive branch]", "This Olive Oil is guaranteed to be absolutely pure and is highly recommended * * * Questo Olio D'Oliva e garantito assolutamente puro ed e raccomandato per uso tavola e medicinale", "Imported Olive Oil"; (O Sole Mio brand) "O Sole Mio Virgin Extra Sublime Olive Oil Imported from Lucca-Italy", "O Sole Mio Olio D'Oliva Vergine Extra Sublime Importato Da Lucca-Italy [design of olive branches]", "O Sole Mio Italian Olive Oil is produced with selected ripe olives from the finest regions available. That is why the quality is uniformly 'Of the Best' at all times. Absolutely pure in all respects and so guaranteed under chemical analysis. * * * O Sole Mio Olio Di Oliva Italiano e prodotto con olive scelte della migliore provenienza. Ed e per questo che la qualita e sempre indiscutibilmente superiore. Assolutamente puro sotto ogni rispetto e garantito come tale verso analisi chimica. Non dovete esitare ad usare questo olio di oliva liberamente per la cucina e per insalata. E pure ottimo per uso medicinale"; (Toscana brand) "Italian Product Pure Olive Oil Toscana * * * Choicest Quality", "Prodotto Italiano Puro

Olio D'Oлива Toscano [designs of olive branches and Italian coat of arms]", "This Olive Oil is guaranteed to be absolutely pure and is highly recommended * * * Questo Olio D'Oлива e garantito assolutamente puro ed e raccomandato per uso tavola e medicinale. * * * Imported Olive Oil"; (Caruso brand) "Imported Pure Olive Oil", "Olio D'Oлива Puro Importato", "Pure Olive Oil This Olive Oil is guaranteed to be absolutely pure under chemical analysis. Quest'olio e garantito assolutamente puro sotto analisi chimica [designs of olive branches, of Italian coat of arms, and of Italian flag]", "Caruso Brand Above All Others"; (Tosca brand) design of an Italian flag, Italian coat of arms, olive trees, and women gathering olives, "Pure Italian Olive Oil * * * Italy * * * Olive Oil Pure Olive Oil * * * This Olive Oil is guaranteed to be absolutely pure under chemical analysis. Dieses Olive Oel ist garantie absolute rein unter chemischer analyse. Cette Huile d'Olives est garantie absolument pure sous analyse chimique. Questo Olio di Oliva e garantito assolutamente puro sotto analisi chimica", "Imported Olive Oil"; (Sparviero brand) designs of olive branches with olives, "Lucca Toscana Italy Virgin Guaranteed Pure Olive Oil Imported from Italy This olive oil is guaranteed to be absolutely pure Recommended for Medicinal and Table Use", "Imported Olive Oil."

The article was in the half-pint cans and a part of that in the half-gallon cans was alleged to be further misbranded in that the statements on the labels, "Net Contents One-half Gallon", "Net Contents Half Pint", and "Contiene Netto Un Sedicesimo", were false and misleading and tended to deceive and mislead the purchaser when applied to a product in cans containing less than the amount declared on the labels; and in that it was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On October 8, 1936, Arte Products Co., Inc., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, a consolidated decree of condemnation was entered and it was ordered that the product be released under bond conditioned that it be transferred to drums and labeled "Tea Seed Oil Flavored With Olive Oil", under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

26543. Adulteration and misbranding of olive oil. U. S. v. 77 Gallon Cans, et al., of Olive Oil. Default decrees of condemnation and destruction. (P. & D. nos. 37425, 37426, 37552, 37594. Sample nos. 52914-B, 52915-B, 61733-B, 61735-B, 68824-B.)

These cases involved olive oil that was adulterated with tea-seed oil and a portion of which was short in volume.

On March 30, 1936, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 89 gallon cans of olive oil at Scranton, Pa. On April 6 and April 16, 1936, libels were filed against 11 half-gallon cans and 30 quart cans of olive oil at St. Louis, Mo.; and 65 gallon cans, 4 half-gallon cans, and 19 quart cans of olive oil at New Orleans, La. It was alleged in the libels that the article had been shipped in interstate commerce in various shipments between the dates of September 28, 1935, and February 24, 1936, by Moscahlades Bros., from New York, N. Y., and that it was adulterated and misbranded in violation of the Food and Drugs Act. The article was labeled in part: "Elephant Brand Imported Virgin Olive Oil Embro Import Co., * * * New York, N. Y. Sole Distributors."

The article was alleged to be adulterated in that tea-seed oil had been mixed and packed with the article so as to reduce or lower its quality or strength; and in that tea-seed oil had been substituted in whole or in part for olive oil, which the article purported to be.

The article was alleged to be misbranded in that the following statements and designs appearing upon the package were false and misleading and tended to deceive and mislead the purchaser when applied to a product containing tea-seed oil: The design of an olive branch with olives; and the statements "Imported Virgin Olive Oil * * * The Olive Oil contained in this can is pressed from fresh picked selected olives. It is guaranteed to be absolutely pure under chemical analysis and is highly recommended for table use and medicinal purposes. * * * Olio puro d'Oлива Vergine * * * L'Olio di oliva che questa lattia contiene, e prodotto da olive accuratamente scelte. E garan-

tito di essere assolutamente puro sotto qualunque analisi chimica. Esso è altamente raccomandato tanto per uso da tavola come per uso medicinale"; "Imported from Italy"; "Imported Olive Oil." The article was alleged to be misbranded further in that it was offered for sale under the distinctive name of another article.

A portion of the article was alleged to be misbranded further in that the statement on the label, "Half Gallon", was false and misleading and tended to deceive and mislead the purchaser when applied to a product packed in cans containing less than a half gallon; and in that it was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On July 10 and July 17, 1936, and January 6, 1937, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26544. Adulteration of canned salmon. U. S. v. 55½ Cases of Salmon. Decree of condemnation. Product released under bond for segregation and destruction of decomposed portion. (F. & D. no. 37473. Sample nos. 55178-B, 55569-B.)

This case involved canned salmon that was in part decomposed.

On March 30, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 55½ cases of salmon at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about November 23, 1935, by Pacific American Fisheries, Inc., from South Bellingham, Wash., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "White City Brand Fancy Pink Salmon * * * Samuel Kunin & Sons, Inc. Distributors Chicago, Ill."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On November 9, 1936, the Pacific American Fisheries, Inc., claimant, having in its amended answer admitted the material allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond, conditioned that the cans containing decomposed salmon be separated therefrom and destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26545. Adulteration and misbranding of olive oil. U. S. v. Eighteen 1-Gallon Cans, et al., of Alleged Olive Oil. Default decrees of condemnation. Product turned over to charitable institutions. (F. & D. nos. 37476, 37477, 37510, 37572. Sample nos. 61561-B, 61562-B, 61565-B, 61566-B.)

These cases involved olive oil that was adulterated with tea-seed oil.

On or about April 2 and April 15, 1936, the United States attorney for the District of Connecticut, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 122 gallon, half-gallon, and quart cans of alleged olive oil at Hartford, Conn.; 22 gallon and half-gallon cans of the product at Waterbury, Conn.; and 71 gallon and half-gallon cans of the product at Meriden, Conn., alleging that the article had been shipped in interstate commerce on or about July 5 and November 22, 1935, February 26 and March 4, 1936, by Vincent Buonocore, Inc., from New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was variously labeled in part: "Aurora Brand Virgin Olive Oil Italian Product Packed for Aurora Importing Company, Waterbury, Conn.", "Tre Ancore Brand Pure Italian Olive Oil Product of V. B. Inc.," "Roma Brand Pure Olive Oil", "Michele Spinelli Brand Pure Olive Oil * * * Packed by Michele Spinelli Hartford, Conn."

The article was alleged to be adulterated in that tea-seed oil had been mixed and packed therewith so as to reduce or lower its strength or quality; and in that tea-seed oil had been substituted in whole or in part for olive oil, which the article purported to be.

The article was alleged to be misbranded in that the following statements on the labels, were false and misleading and tended to deceive and mislead the purchaser when applied to a product containing tea-seed oil: (Tre Encore brand) "Tre Ancore * * * Pure Italian Olive Oil", "Tre Ancore * * *

Olio D'Oлива Italiano Puro Prodotto di * * * (design of olive branches) Pure Imported Olive Oil—The absolute purity of the olive oil contained in this tin is guaranteed by the packers under any chemical analysis * * * Olio d'oliva importato—Sene Garentisce l'assoluta purita sotto analisi—Da potersi usare anche per medicinale [designs of leaves and fruit of the olive tree]"; (Aurora brand) "Virgin Olive Oil Italian Product", "Olio D'Oлива Vergine Prodotto Italiano", "This olive oil is guaranteed to be absolutely pure * * * Quest'olio d'oliva e garantito assolutamente puro—E raccomandato per uso da tavola, cucina e per uso medicinale. [Designs of olive branches]", "Imported Olive Oil"; (Roma brand) "Roma * * * Pure Olive Oil Il Campidoglio (Roma) Marca Registrata * * * Imported Product", "Roma * * * Pure Olio D'Oлива Il Campidoglio (Roma) Marca Registrata * * * Prodotto Importato [design of a building which apparently is meant to be the Capitol at Rome]", "Questo Olio D'Oлива e garantito assolutamente puro sotto analisi chimica Marca Roma—This Olive Oil is guaranteed to be absolutely pure under chemical analysis Roma"; (Michele Spinelli brand) "Pure Olive Oil This olive oil is absolutely pure recommended for medicinal and table use guaranteed under chemical analysis Pure Olive Oil * * * Puro Olio d'Oлива Questo olio d'oliva e assolutamente puro e raccomandato per uso medicinale e cucina e garantito sotto qualunque analisi chimica Puro olio d'Oлива * * * Imported Olive Oil." Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, namely, olive oil.

On June 15, 1936, no claimants having appeared, judgments of condemnation were entered and it was ordered that the product be distributed to charitable institutions and the containers destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26546. Adulteration and misbranding of preserves. U. S. v. 5 Cases of Alleged Raspberry Preserves, et al. Default decree of condemnation and destruction. (F. & D. no. 37578. Sample no. 48744-B.)

This case involved preserves that contained less fruit and more sugar than standard preserves should contain. Two of the three varieties contained added pectin.

On April 14, 1936, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 22 cases of preserves at Miami, Fla., alleging that the articles had been shipped in interstate commerce on or about January 4, January 30, and February 20, 1936, by Brook-Maid Food Co., Inc., from Brooklyn, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were variously labeled in part: "Brook-Maid Brand Pure deLuxe Raspberry [or "Blackberry" or "Strawberry"] Preserves Brook-Maid Food Co., Inc., Brooklyn, N. Y."

The articles were alleged to be adulterated in that excess sugar in the case of the raspberry, and excess sugar and pectin in the case of the blackberry and strawberry, had been mixed and packed with the articles so as to reduce or lower their quality; in that mixtures of fruit and sugar, the blackberry and strawberry also containing added pectin, said mixtures containing less fruit and more sugar than preserves should contain, had been substituted for preserves which the articles purported to be; and in that the articles had been mixed in a manner whereby inferiority was concealed.

The articles were alleged to be misbranded in that the statements on the labels, "Pure * * * Raspberry Preserves", "Pure * * * Blackberry Preserves", and "Pure Strawberry Preserves", were false and misleading and tended to deceive and mislead the purchaser when applied to products resembling preserves, but which contained less fruit than preserves should contain, the deficiency in fruit being concealed by the addition of excess sugar in the case of the raspberry preserves and by the addition of excess sugar and pectin in the case of the blackberry and strawberry preserves. The articles were alleged to be misbranded further in that they were imitations of and were offered for sale under the distinctive names of other articles.

On September 8, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the products be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26547. Adulteration and misbranding of jams and jellies; misbranding of marmalade. U. S. v. 21 Cases and 82 Jars of Jam, Jelly, and Marmalade. Default decree of condemnation with provision for delivery of fit portion to a charitable institution. (F. & D. no. 37608. Sample nos. 48875-B to 48879-B, incl., to 48881-B to 48885-B, incl., 48887-B, 48889-B to 48891-B, incl.)

This case involved jellies that were deficient in fruit juice and jams which were deficient in fruit, both products containing more sugar than standard jellies and jams should contain. The products also contained added pectin and in some instances added acid or water or both added acid and added water. Certain of the products, and a lot of marmalade which was also covered by the libel, were short-weight.

On April 24, 1936, the United States attorney for the Western District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 21 cases and 82 jars of jelly, jam, and marmalade at Chester, S. C., alleging that the articles had been shipped in interstate commerce between the dates of February 5, 1935, and November 11, 1935, by Carolina Mushroom Growers, Inc., from Charlotte, N. C., and charging adulteration and misbranding of the jellies and jams and misbranding of marmalade in violation of the Food and Drugs Act as amended. The products were labeled: "Carolina * * * Carolina Mushroom Growers, Inc., Charlotte, N. C.", together with the variety "Pure Red Raspberry Jelly", etc., and the statement of the quantity of the contents.

The jams and jellies were alleged to be adulterated in that sugar, tartaric acid, and pectin in certain lots; sugar, acid, and pectin in certain lots; sugar, acid, pectin, and water in certain lots; and sugar, tartaric acid, pectin, and water in certain lots; had been mixed and packed with the articles so as to reduce or lower their quality; in that mixtures containing said substances and containing less fruit juice or fruit and more sugar than jellies or jams should contain, had been substituted for jellies or jams; and in that the articles had been mixed in a manner whereby inferiority had been concealed.

The jellies and jams were alleged to be misbranded in that the statements on the labels, "Pure Apple Jelly", "Pure Strawberry Jelly", "Jelly Concord Grape", "Jelly Scuppernon Grape Flavor", "Pure Red Raspberry Jelly", "Jelly Apple Flavor", "Pure Quince Jelly", "Pure Crabapple Jelly", "Pure Plum Jelly", or "Pure Seedless Blackberry Jam", were false and misleading and tended to deceive and mislead the purchaser when applied to products resembling jellies and jams but containing less fruit juice or fruit than jellies and jams should contain, and excessive sugar. The jams and jellies were alleged to be misbranded further in that they were imitations of and were offered for sale under the distinctive names of other articles.

The marmalade and portions of the jams and jellies were alleged to be misbranded in that the statements on the labels, "Net Contents 14 Oz. Av." and "Net Contents 1 Pound", were false and misleading and tended to deceive and mislead the purchaser when applied to products that were short in weight; and in that they were food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On July 3, 1936, no claimant having appeared, judgment of condemnation was entered. The products having been found to be fit for human consumption, were ordered delivered to a charitable institution.

M. L. WILSON, *Acting Secretary of Agriculture.*

26548. Adulteration of canned asparagus. U. S. v. 275 Cases of Asparagus. Consent decree of condemnation. Product released under bond for segregation and destruction of unfit portion. (F. & D. no. 37821. Sample no. 61951-B.)

This case involved canned asparagus that was decomposed in part.

On June 16, 1936, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 275 cases of canned asparagus at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about April 30, 1936, by F. M. Ball & Co. from Oakland, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Premier * * * Fancy Medium Green Asparagus."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On September 30, 1936, F. M. Ball & Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond, conditioned that the cans containing decomposed asparagus be segregated and eliminated.

M. L. WILSON, *Acting Secretary of Agriculture.*

26549. Adulteration and misbranding of fruit crystals. U. S. v. 5 Cases and 2 Cases of Wonder Fruit Crystals. Default decrees of condemnation and destruction. (F. & D. nos. 37910, 37911. Sample nos. 8341-C, 8342-C.)

These cases involved products consisting of mixtures of tartaric acid and sugar, artificially colored and slightly flavored with citrus oils, which were represented to be dehydrated orange, lemon, and lime juices, respectively.

On July 24, 1936, the United States attorney for the Eastern District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of seven cases of assorted orange, lemon, and lime units, Wonder Fruit Crystals at Philadelphia, Pa., alleging that the articles had been shipped in interstate commerce on or about July 18 and July 20, 1936, by Molded Products Co., from Buffalo, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were in wax containers molded in the shape of an orange, lemon, or lime and were labeled: (Tag) "Wonder Fruit" Crystals * * * Molded Products Co., Buffalo, N. Y."

The articles were alleged to be adulterated in that mixtures of tartaric acid and sugar, artificially colored and slightly flavored with citrus oils, had been mixed and packed therewith so as to reduce or lower their quality or strength and had been substituted in part for dried orange, lemon, or lime juice, which the articles purported to be; and in that they were mixed and colored in a manner whereby inferiority was concealed.

Misbranding was alleged in that the following devices, designs, and statements were false and misleading and tended to deceive and mislead the purchaser: The device or design of a molded wax orange, lemon, or lime and the statements, (tag) "'* * * Fruit' Crystals"; (display card) "Use Lemons in Iced Tea, for making lemon pie, etc." Misbranding was alleged further in that the articles were offered for sale under the distinctive names of other articles.

On October 26, 1936, no claimant having appeared, judgments of condemnation were entered and it was ordered that the products be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26550. Adulteration of canned salmon. U. S. v. Columbia River Packers Association, Inc. Plea of guilty. Fine, \$55. (F. & D. no. 37929. Sample nos. 41409-B, 43497-B, 47187-B, 49062-B, 49069-B, 49084-B, 50131-B, 50287-B, 50288-B, 50440-B, 51774-B, 52004-B, 52355-B, 52356-B, 52357-B, 52359-B, 52360-B, 52361-B, 52364-B, 52372-B, 52374-B, 52375-B.)

This case involved various shipments of canned salmon that was in part decomposed.

On October 6, 1936, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Columbia River Packers Association, Inc., Astoria, Oreg., alleging shipment by said company in violation of the Food and Drugs Act between the dates of August 24, 1935, and October 21, 1935, from the State of Oregon into the States of Minnesota, Massachusetts, Missouri, Nebraska, New York, Pennsylvania, and Iowa, of quantities of canned salmon that was adulterated. Certain lots were labeled "Bear Brand [or "Commerce Brand", "Fishermen's Brand", "Esquimaux Brand", or "West Coast Brand"] * * * Packed by Columbia River Packers Association." The remaining lots were labeled variously: "Rare Treat Brand * * * Paxton and Gallagher Co. Distributors Omaha"; "Heart's Delight Brand * * * Packed for Scoville, Brown & Co., Wellsville, N. Y."; "Big Value Brand Distributors S. Hamill Company, Keokuk, Iowa."

The article was alleged to be adulterated in that it consisted in whole and in part of a decomposed animal substance.

On October 6, 1936, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$55.

M. L. WILSON, *Acting Secretary of Agriculture.*

26551. Adulteration and misbranding of butter. U. S. v. Lost River Dairy, Inc. Plea of guilty. Fine, \$100. (F. & D. no. 38010. Sample nos. 67057-B, 67058-B.)

This case involved butter that was deficient in milk fat.

On October 19, 1936, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Lost River Dairy, Inc., Klamath Falls, Oreg., alleging that on or about June 3, 1936, the defendant company shipped from Klamath Falls, Oreg., into the State of California quantities of butter that was adulterated and misbranded in violation of the Food and Drugs Act. The article was labeled in part: "Lost River Butter * * * Lost River Dairy."

The article was alleged to be adulterated in that a substance containing less than 80 percent by weight of milk fat had been substituted for butter, a product which statements upon the label of the article represented it to be.

The article was alleged to be misbranded in that the statement on the label, "Lost River Butter", was false and misleading when applied to a product that contained less than 80 percent by weight of milk fat.

On October 30, 1936, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$100.

M. L. WILSON, *Acting Secretary of Agriculture.*

26552. Misbranding of apple butter. U. S. v. Louis Maull, Sr. and William H. Leyhe, Jr., Receivers for the Louis Maull Co. Plea of nolo contendere. Fine, \$100 and costs. (F. & D. no. 38017. Sample nos. 52443-B, 52913-B.)

This case involved apple butter that was short-weight.

On September 9, 1936, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Louis Maull, Sr. and William H. Leyhe, Jr., receivers for the Louis Maull Co., a corporation, alleging that on or about February 1 and March 12, 1936, the defendants shipped from St. Louis, Mo., into the States of Kentucky and Illinois, respectively, quantities of apple butter that was misbranded in violation of the Food and Drugs Act as amended. The article was labeled in part: "Top Notch Brand, Net Wt. 2 Lbs., 2 Ozs. Apple Butter * * * Packed by L. Maull Co., St. Louis, Mo."

The article was alleged to be misbranded in that the statement "Net Wt. 2 Lbs., 2 Ozs.", borne on the label, was false and misleading, and in that the article was labeled as aforesaid so as to deceive and mislead the purchaser since the jars contained less than 2 pounds and 2 ounces of the article.

On October 12, 1936, pleas of nolo contendere were entered on behalf of the defendants and the court imposed a fine of \$100 and costs against the defendants jointly.

M. L. WILSON, *Acting Secretary of Agriculture.*

26553. Adulteration of huckleberries. U. S. v. 16 Crates of Huckleberries. Default decree of condemnation and destruction. (F. & D. no. 38092. Sample no. 7180-C.)

This case involved huckleberries that were infested with maggots.

On July 14, 1936, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 16 crates of huckleberries at Buffalo, N. Y., alleging that the article had been shipped in interstate commerce on or about July 8, 1936 by J. A. Murphy, from Atkinson, N. C., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On August 17, 1936, no claimant appearing, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26554. Misbranding of butter. U. S. v. Modern Butter & Egg Corporation; and Charles Cohen, Joseph Jacobs, and William Cohen. Tried to a jury. Verdict of guilty as to corporation; not guilty as to individual defendants. Corporation fined \$200. (F. & D. no. 32905. Sample 58105-A.)

This indictment was based on an interstate shipment of short-weight butter.

On December 28, 1934, the Grand Jurors of the United States for the Southern District of New York presented an indictment against the Modern Butter & Egg Corporation, New York, N. Y., and Charles Cohen, Joseph Jacobs, and William Cohen, officers of said corporation, charging shipment by said

defendants in violation of the Food and Drugs Act as amended, on or about December 18, 1933, from the State of New York into the State of Massachusetts of a quantity of butter that was misbranded. The article was labeled in part: (Carton) "Pure Creamery Butter * * * Packed by Fishbach & Stanford, Inc. * * * New York City"; (carton and wrapper) "One Pound Net."

The article was charged to be misbranded in that the statement "One Pound Net" on the label, was false and misleading, and for the further reason that it was labeled so as to deceive and mislead the purchaser, since nearly all of a large number of packages examined contained less than 1 pound. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect, some of the packages containing not more than 15.56 ounces and the average net weight of all packages examined being not more than 15.75 ounces.

The defendants having entered pleas of not guilty, the case was tried to a jury on February 18 and 19, 1935. At the conclusion of the testimony the court delivered the following instructions to the jury:

Knox, *District Judge*: Gentlemen of the jury, this is a prosecution that is based upon a statute of the United States which provides that the introduction into any State of the Union from another State of any article of food, which is adulterated or misbranded within the definition of the statute is prohibited, and that any person who makes such a shipment shall, upon conviction thereof, be punished in the manner prescribed by statute.

The statute, provides that an article shall be deemed to be misbranded if the package within which it is contained, or the label upon that package shall bear any statement, design, or device describing such articles or the ingredients or substances contained therein, which shall be false and misleading in any particular.

In this case these defendants and the corporation which they operated and controlled are charged with having sent a misbranded shipment of butter from New York to Massachusetts on or about the 18th day of December, 1933, which packages, in that shipment, were misbranded, according to the Government's contention, in that they contained upon the separate parcels in the package, the statement that there was one pound net of butter in each carton, and this was designed to deceive and to mislead the persons who received these cartons of butter.

And then in a second count the defendants are charged with misbranding, in that the statement of the contents of the package and the weight thereof, was not accurate in that it did not show the exact contents of the carton, but showed a statement that there was one pound net of butter in each carton; whereas there was not more than 15.56 ounces per package and the average weight of all packages examined was not more than 15.75 ounces of butter.

Now, there is no doubt that this package moved in interstate commerce, that is, from New York to Massachusetts.

There is no doubt that the defendant corporation, namely, the Modern Butter and Egg Corporation made the shipment. So that you have two of the substantial ingredients of the alleged offense that are conceded, namely, the shipment, and in addition the character of the contents of the package.

Now, along with the corporate defendant, Charles Cohen, Joseph Jacobs, and William Cohen, officers of said corporation, are charged with active participation in the shipment, and so it will be necessary for you to say if these officers, along with the corporation, are responsible for this shipment. That is, did they affirmatively take part in this shipment in such sense as to be responsible, along with the corporation, for any shortcomings that have been found to have been in the shipments. It is possible for you to find the corporation, or any one or more of the individual defendants guilty or not guilty, as you think you are justified in doing by the facts and evidence before you.

This is a criminal prosecution and each of the defendants has the presumption of innocence and is entitled to the benefit of that presumption until all the evidence in the case convinces you beyond a reasonable doubt that the defendants, or some one or more of them, are guilty of the offenses charged against them.

A reasonable doubt is one which is based upon a reason, and which makes it impossible for you to have a moral certainty of the guilt of a particular defendant. If you do not have that conviction of certainty, then you should render a verdict of not guilty as to any defendant with respect to whom you entertain such a doubt. If you are convinced beyond a moral certainty, even

though not absolutely sure of the guilt of any one or more of the defendants, then as to that defendant, as to whom you entertain that moral certainty of guilt, you have no reasonable doubt.

Now, of course, the prime purpose of the enactment by Congress of this statute was that those who have occasion to use the contents of packages, which are shipped from state to state as articles of food, that are in public demand, and which constitute in very many instances public necessities, shall be entitled to rely upon the statements that are made upon cartons. We have developed into a race of package consumers. We buy package goods; we get packages of coffee; we get packages of butter; we get packages of rice. Most of our foods come to us in packages. We go into a store and say we will have a package of this, that or the other thing, and it is given to us, and we take it, and we look at the label for a mark of origin as to the manufacturer. Perhaps we want a particular brand, and we see the contents is eight ounces, six ounces, or a pound, we want to be satisfied that we are getting what we think we are getting, and Congress, appreciating this development in our economic system has said, "Well, those who ship in interstate commerce and who use the facilities over which the Congress has control, shall not misrepresent the contents of such packages to the public." That is, those who buy and consume their goods. So these statutes have been enacted and undoubtedly they have served a very good purpose, in that manufacturers and shippers of merchandise are required, under penalties of the law, to make statements that shall be accurate as to the quantity and quality of their merchandise in these respects.

Now all of us appreciate, of course, that in packaging these goods, those who are engaged in the business, act with more or less haste, also that it is easy to err at times in weighing and representing and taking various other steps with regard to package goods, but in considering that, it is perfectly proper for you to take into account the fact that the law requires those who are engaged in interstate commerce in commodities of this character, to take pains to be accurate, to see to it that they are not misrepresenting the contents of their packages. It may be that the cost of the goods will thereby be increased, in that the handling charge will be greater, but nevertheless that is an obligation that is placed upon those who ship goods, and if it costs more, then the public will have to pay, because it is entitled to a true representation of fact.

Now we have heard about these scales and about these butter machines. Was the butter machine accurate; was it so regulated as to shave these butter packages in weight. You have the evidence here, that out of 195 samples, I think taken from this shipment of butter, that 191 samples were short weight, four were a trifle overweight, and it is perfectly competent for you to ask yourselves, whether that situation arises from purpose or design or from accident. Is it an accident that the under-weight packages far outnumbered the overweight packages? Of course, it is easy to infer that if one deliberately shaves the weight of a commodity, he thereby serves himself, because it does not take so much of the commodity to fill his orders.

All of these are elements for you to take into account or consideration, on which you may put your mind in determining whether or not this was a shipment of under-weight packages, and whether the individual defendants, along with the corporation, were parties to this shipment.

Now if the package contained one pound of butter net at the time, or each carton contained one pound net of butter at the time they were put out, there can be no conviction. Nor can there be a conviction if the shortage in weight was due to the deterioration of the package and the break-down of the butter. All of these table foods or most of them, under certain conditions are subject to deterioration, and it may be that the person who puts up the food discharges his full obligation to the public, and then through weather conditions, heat or cold, or what not, the package breaks down, so that a part of its contents runs away, or a part of its contents are transformed into something else than butter, let us say. Of course, you should not hold a person responsible for that over which he has no control. And upon this feature of the case, it is proper to take into account the testimony of the inspectors as to what they saw and as to what they found with respect to these packages. Were the packages broken down, and did the inspectors, in making their weight, give full credit to the defendants for the water that was in the wrappers of the butter, and did they give full credit for all other pertinent elements in the case?

It is perfectly proper for you to take into account the interest or lack of interest that any witness, either for the defendants or for the prosecution, has in the outcome of this suit.

If you find that any witness upon either side has testified falsely as to a material fact you may, if you wish, throw aside the entire testimony of any such witness as you think has falsified, or you may believe such portion of such witness's testimony, as you think is true, and cast aside that which you think is false.

The weight and credibility of the evidence is for you entirely.

As respects this libel that was filed against the butter up in Massachusetts, except in so far as it constitutes an admission by one of the individual defendants that the cartons of butter were short, and it may be disregarded. What happened up in Massachusetts does not foreclose the Government in carrying on this prosecution.

You have this witness, Mr. Jacobs, I believe, who says that he made this statement, that the packages were under weight, not because he thought they were under weight, but in order to obtain possession of the butter, so as to permit it to be reconditioned.

You can take into account the statement that was made here as to certain shipments, made to a hospital of the Government over in Pennsylvania, and the statement as to whether or not this was the first time in fourteen years that this firm had had any charge made against it, that its packages were short weight.

You can place such construction as you think you are entitled to place upon the statement of Mr. Jacobs with respect to this subject matter.

Now your verdict will be guilty or not guilty as to the defendants and each of them. You can find all guilty or part guilty and part not guilty, depending on what you believe the facts to be.

Is there anything that you wish me to charge?

Mr. ROGERS. Only one request. I request your Honor to charge the jury that in the particular offense charged, intent is not a necessary element.

The COURT. Intent to deceive upon the part of the defendant or any of them is not a necessary element, in order to find a verdict of guilty against any one of the defendants. The obligation upon the defendants is that they do not misbrand their articles, and the obligation is that they shall see to it that they are not misbranded. Now whatever may be their purpose, or lack of purpose, is immaterial here, if, as a matter of actuality, these packages were misbranded in the manner charged in the indictment.

Mr. BECK. I take an exception to that part of your Honor's charge wherein you say the proceeding in Boston is not to be construed by the jury. I ask your Honor to charge that it is a very vital consideration, that they may take the Boston matter into consideration. I take an exception to your Honor's refusal to charge as requested.

The COURT. Very well, gentlemen.

Juror no. 4. Suppose we want to find the defendants guilty, one, two, three, or all?

The COURT. Any one or more, or all or none. It is up to the jury to say which, if any, one of these defendants is guilty or not guilty. Each defendant stands upon his own feet. The corporation acts through individuals. If you find any one of the individuals was a party to this shipment and knew about it, you may find him guilty or you may find if the other defendants did not take part in it, you may find them not guilty. You appraise the culpability and blame of each defendant separately and consider whether they acted as a whole or separately, and find a verdict as you think the facts justify.

(Whereupon, at 3:15 p. m. the jury retired to consider their verdict. At 5:05 p. m. the jury returned to the court room.)

The COURT. Gentlemen, I have this communication: "Suppose we find the corporation guilty, what effect does it have on the officers individually, severally, and collectively? If we find guilty, may we recommend mercy or clemency?"

Each defendant, as I told you in my charge in chief, including the defendant corporation, stands upon his own feet. If you find that the corporation is alone guilty, then any penalty would have to be paid by the corporation alone. That is, if you find the corporation guilty, if you find any one of the defendants guilty, or all of them guilty, then the Court may impose a penalty upon them also, and you may, if you want to, make a recommendation of mercy or clemency as to any of them as far as that is concerned. Does that answer your question?

The FOREMAN of the JURY. Yes, your Honor.

The jury retired and after further deliberation, returned a verdict of guilty as to the corporation, and not guilty as to the individual defendants. A fine of \$200 was imposed against the corporation on the first count and sentence was suspended on the second count.

M. L. WILSON, *Acting Secretary of Agriculture.*

26555. Adulteration of huckleberries. U. S. v. 15 Crates of Huckleberries. Default decree of condemnation and destruction. (F. & D. no. 38094. Sample no. 9452-C.)

This case involved huckleberries that were infested with maggots.

On July 22, 1936, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 crates of huckleberries at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about July 20, 1936, by John F. Urban, from Mahanoy City, Pa., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On August 6, 1936, no claimant appearing, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26556. Adulteration of huckleberries. U. S. v. 3 Crates of Huckleberries. Default decree of condemnation and destruction. (F. & D. no. 38095. Sample no. 9459-C.)

This case involved huckleberries that were infested with maggots.

On July 22, 1936, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of three crates of huckleberries at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about July 21, 1936, by M. Bohard & Son, from Mahanoy City, Pa., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On August 6, 1936, no claimant appearing, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26557. Adulteration of currants. U. S. v. 5 Crates of Currants. Default decree of condemnation and destruction. (F. & D. no. 38096. Sample no. 5804-C.)

This case involved currants that were contaminated with arsenic and lead.

On July 16, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of five crates of currants at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about July 13, 1936, by Rosenthal & Stockfish, from Benton Harbor, Mich., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts which might have rendered it injurious to health.

On October 2, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26558. Adulteration of currants. U. S. v. 4 Crates of Red Currants. Default decree of condemnation and destruction. (F. & D. no. 38097. Sample no. 5810-C.)

This case involved currants that were contaminated with arsenic and lead.

On July 17, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of four crates of red currants at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about July 12, 1936, by Carl Rodowske, from Berrien Springs, Mich., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts which might have rendered it injurious to health.

On October 2, 1936, no claimant appearing, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26559. Adulteration of currants. U. S. v. 15 Crates of Currants. Default decree of condemnation and destruction. (F. & D. no. 38098. Sample nos. 5811-C, 6305-C.)

This case involved currants that were contaminated with arsenic and lead.

On July 21, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 crates of currants at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about July 14, 1936, by the E. P. Johnson Co., from Shelby, Mich., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts which might have rendered it injurious to health.

On October 2, 1936, no claimant appearing, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26560. Adulteration of currants. U. S. v. 7 Crates of Currants. Default decree of condemnation and destruction. (F. & D. no. 38099. Sample no. 6311-C.)

This case involved currants that were contaminated with arsenic and lead.

On or about July 23, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of seven crates of currants in Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about July 16, 1936, by Northern Fruit Co., from Ludington, Mich., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts which might have rendered it injurious to health.

On October 2, 1936, no claimant appearing, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26561. Adulteration of crab meat. U. S. v. One Barrel, et al., of Crab Meat. Default decrees of condemnation and destruction. (F. & D. nos. 38077, 38100, 38101. Sample nos. 7931-C, 7933-C, 7934-C.)

These cases involved crab meat that was filthy.

On July 22 and July 24, 1936, the United States attorney for the District of Maryland, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 4 barrels and 72 pound cans of crab meat at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about July 19 and July 21, 1936, by C. T. Slaughter, from Morattico, Va., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance.

On September 11, 1936, no claimant appearing, judgments of condemnation were entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26562. Adulteration of butter. U. S. v. 14, 16, and 20 Tubs of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. & D. no. 38123. Sample nos. 9007-C, 9008-C.)

This case involved butter that was deficient in milk fat.

On July 23, 1936, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel (amended July 30, 1936) praying seizure and condemnation of 50 tubs of butter at New York, N. Y., alleging that the article had been

shipped in interstate commerce on or about July 15, 1936, by the Pioneer Creamery Co., from Champaign, Ill., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

On August 4, 1936, the Pioneer Creamery Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be reworked so that it contain 80 percent of milk fat.

M. L. WILSON, *Acting Secretary of Agriculture.*

26563. Adulteration of butter. U. S. v. 4 Cubes of Butter. Consent decree of condemnation. Product released under bond. (F. & D. no. 88124. Sample no. 10934-C.)

This case involved butter that was deficient in milk fat.

On July 23, 1936, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of four cubes of butter at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about July 20, 1936, by the Independent Creamery from Coeur d'Alene, Idaho, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

On August 24, 1936, the Van Kleeck Creamery Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be brought up to the legal standard.

M. L. WILSON, *Acting Secretary of Agriculture.*

26564. Adulteration of blueberries. U. S. v. 53 Crates of Blueberries. Default decree of condemnation and destruction. (F. & D. no. 38127. Sample no. 9473-C.)

This case involved blueberries that were infested with maggots.

On July 27, 1936, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 53 crates of blueberries at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about July 24, 1936, by E. E. Nuttle & Son, from Federalsburg, Md., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On August 5, 1936, no claimant appearing, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26565. Adulteration of blueberries. U. S. v. 7 Crates of Blueberries. Default decree of condemnation and destruction. (F. & D. no. 38128. Sample no. 9474-C.)

This case involved a shipment of blueberries that were infested with maggots.

On July 27, 1936, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of seven crates of blueberries at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about July 24, 1936, by O. G. Williamson, from Federalsburg, Md., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On August 5, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26566. Adulteration of crab meat. U. S. v. 73 Cans of Crab Meat. Default decree of condemnation and destruction. (F. & D. no. 38129. Sample no. 6660-C.)

This case involved crab meat that was filthy.

On July 31, 1936, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 73 cans of crab meat at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about July 28, 1936, by Southern Seafoods, from Biloxi, Miss., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted of a filthy animal substance.

On August 28, 1936, no claimant appearing, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26567. Misbranding of chocolate-flavored malted milk. U. S. v. 59½ Dozen Tins and 74½ Dozen Tins of Chocolate-Flavored Malted Milk. Default decree of condemnation. Portion of product ordered destroyed; remainder ordered delivered to charitable institutions. (F. & D. nos. 38135, 38136. Sample nos. 9153-C, 9155-C.)

This product was represented to be chocolate-flavored malted milk. Examination showed that it consisted mainly of sugar with some cocoa and malted milk present. The labeling on one lot failed to bear a plain and conspicuous statement of the quantity of the contents.

On August 10, 1936, the United States attorneys for the Eastern and Southern Districts of New York, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 74½ dozen tins of chocolate-flavored malted milk at Brooklyn, N. Y., and 59½ dozen tins of the product at New York, N. Y., alleging that the article had been shipped in interstate commerce, in part on or about June 29, 1936, and in part on or about July 17, 1936, by Manhattan Pure Foods, Inc., from Newark, N. J., and charging misbranding in violation of the Food and Drugs Act as amended. A portion of the article was labeled: "Mother's Pride Chocolate Flavored Malted Milk * * * Distributed by Scientific Food Products Co. New York Chicago New Orleans San Francisco"; the remainder was labeled: "Manhattan Sweetened Chocolate Flavored Malted Milk, Manhattan Pure Foods, Inc., Newark, N. J. * * *"

The Manhattan brand was alleged to be misbranded in that the statement "guaranteed as a 100 percent pure food which meets all pure food law requirements" was false and misleading and tended to deceive the purchaser into believing that the article had been examined and approved by the Food and Drug Administration of this Department.

The Mother's Pride brand was alleged to be misbranded in that the statements, "Chocolate flavored malted milk * * * is beneficial to children in developing healthy, sturdy bodies. Recommended for children", borne on the label, were false and misleading and tended to deceive and mislead the purchaser since the article was not a chocolate-flavored malted milk, was not beneficial to children in developing healthy, sturdy bodies, and was not recommended for children. Misbranding of the Mother's Pride brand was alleged for the further reasons that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in that the statement "8 ounces net" appeared in an inconspicuous position and in small type on one of the side panels.

On August 31 and September 14, 1936, no claimant having appeared, judgments of condemnation were entered. The lot seized at New York, N. Y., was ordered delivered to a charitable institution and the lot seized at Brooklyn, N. Y., was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26568. Adulteration of butter. U. S. v. 84 Tubs of Butter. Decree of condemnation. Product ordered released under bond. (F. & D. no. 38142. Sample no. 7061-C.)

This case involved an interstate shipment of butter that was deficient in milk fat.

On August 3, 1936, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the

district court a libel praying seizure and condemnation of 84 tubs of butter at Boston, Mass., consigned on or about July 25, 1936, alleging that the article had been shipped in interstate commerce by the Farmers' Marketing Association, from Columbus, Ind., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, which the article purported to be, the act of Congress of March 4, 1923, providing that butter contain not less than 80 percent of milk fat.

On August 18, 1936, the Farmers' Marketing Association, claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond, conditioned that it be reworked so that it contain at least 80 percent of milk fat.

M. L. WILSON, *Acting Secretary of Agriculture.*

26569. Adulteration of blueberries. U. S. v. 11 Crates of Blueberries. Default decree of condemnation and destruction. (F. & D. no. 88143. Sample no. 9484-C.)

This case involved blueberries that were infested with maggots.

On August 4, 1936, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 11 crates of blueberries at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 8, 1936, by Frank Smith, from Tobyhanna, Pa., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy, decomposed, or putrid vegetable substance.

On August 19, 1936, no claimant having appeared, a decree of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26570. Adulteration of blueberries. U. S. v. 7½ Crates of Blueberries. Default decree of condemnation and destruction. (F. & D. no. 88144. Sample no. 9485-C.)

This case involved blueberries that were infested with maggots.

On August 4, 1936, the United States attorney for the Southern District of New York, acting upon report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 7½ crates of blueberries at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 8, 1936, by John Shimko, Tobyhanna, Pa., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On August 19, 1936, no claimant having appeared, a decree of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26571. Adulteration of blueberries. U. S. v. 7 Crates of Blueberries. Default decree of condemnation and destruction. (F. & D. no. 88145. Sample no. 9487-C.)

This case involved blueberries that were infested with maggots.

On August 5, 1936, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of seven crates of blueberries at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 4, 1936, by Ollie Tomasello, from Hamonton, N. J., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On August 19, 1936, no claimant appearing, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26572. Adulteration of blueberries. U. S. v. 10 Crates of Blueberries. Default decree of condemnation and destruction. (F. & D. no. 38146. Sample no. 9489-C.)

This case involved blueberries that were infested with maggots.

On August 5, 1936, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 crates of blueberries at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 4, 1936, by Kostick Bros., from Beaver Meadows, Pa., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On August 19, 1936, no claimant appearing, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26573. Adulteration of blueberries. U. S. v. 5 Crates of Blueberries. Default decree of condemnation and destruction. (F. & D. no. 38147. Sample no. 9490-C.)

This case involved blueberries that were infested with maggots.

On August 5, 1936, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of five crates of blueberries at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 4, 1936, by H. J. Dougherty, from Tuscarora, Pa., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On August 19, 1936, no claimant appearing, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26574. Adulteration of huckleberries. U. S. v. 5 Crates of Fresh Huckleberries. Default decree of condemnation and destruction. (F. & D. no. 38148. Sample no. 9488-C.)

This case involved huckleberries that were infested with maggots.

On August 5, 1936, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of five crates of huckleberries at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 4, 1936, by A. Grossinger, from Eynon, Pa., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On August 19, 1936, no claimant appearing, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26575. Adulteration of butter. U. S. v. 17 Tubs of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. & D. no. 38152. Sample no. 9021-C.)

This case involved butter that was deficient in milk fat.

On August 7, 1936, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 17 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about July 27, 1936, by the Johnson Stores Co., from Michigan, N. Dak., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

On August 12, 1936, Johnson Stores Co., having appeared as claimant and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond to be reworked so that it contain at least 80 percent of milk fat.

M. L. WILSON, *Acting Secretary of Agriculture.*

26576. Adulteration of crab meat. U. S. v. 1 Barrel of Crab Meat. Default decree of condemnation and destruction. (F. & D. no. 38155. Sample no. 7870-C.)

This case involved crab meat that was filthy.

On August 7, 1936, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one barrel of crab meat at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about August 5, 1936, by Crisfield Packing Co., from Crisfield, Md., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted of a filthy animal substance.

On August 28, 1936, no claimant appearing, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26577. Adulteration of cherries. U. S. v. 12 Crates of Cherries. Default decree of condemnation. (F. & D. no. 38157. Sample no. 5874-C.)

This case involved cherries that were contaminated with arsenic and lead.

On August 3, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 12 crates of cherries at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about July 28, 1936, by Mason County Cooperative Association, from Scottville, Mich., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts which might have rendered it injurious to health.

On October 2, 1936, no claimant appearing, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26578. Adulteration of blueberries. U. S. v. 8 Crates of Blueberries. Default decree of condemnation and destruction. (F. & D. no. 38158. Sample no. 9492-C.)

This case involved blueberries that were infested with maggots.

On August 7, 1936, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of eight crates of blueberries at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 5, 1936, by Mary Burba, from Mount Carmel, Pa., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On August 22, 1936, no claimant appearing, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26579. Adulteration of blueberries. U. S. v. 2 Crates of Blueberries. Default decree of condemnation and destruction. (F. & D. no. 38159. Sample no. 9493-C.)

This case involved blueberries that were infested with maggots.

On or about August 8, 1936, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of two crates of blueberries at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 5, 1936, by Mrs. M. Miller, Mount Carmel, Pa., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On August 22, 1936, no claimant appearing, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26580. Adulteration of blueberries. U. S. v. 10 Crates and 45 Crates of Blueberries. Default decrees of condemnation and destruction. (F. & D. nos. 38160, 38161. Sample nos. 8635-C, 9495-C, 9496-C.)

These cases involved blueberries that were infested with maggots.

On August 7, 1936, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 55 crates of blueberries at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 5, 1936, by J. A. Kaneski, from Blandford, Mass., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On August 22, 1936, no claimant appearing, judgments of condemnation were entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26581. Adulteration of blueberries. U. S. v. 13 Crates of Blueberries. Default decree of condemnation and destruction. (F. & D. no. 38162. Sample no. 9497-C.)

This case involved blueberries that were infested with maggots.

On August 7, 1936, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 13 crates of blueberries at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 6, 1936, by S. M. Roberts, from Granville, Mass., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On August 22, 1936, no claimant appearing, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26582. Adulteration of blueberries. U. S. v. 3 Crates of Blueberries. Default decree of condemnation and destruction. (F. & D. no. 38163. Sample no. 9498-C.)

This case involved blueberries that were infested with maggots.

On or about August 10, 1936, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of three crates of blueberries at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 6, 1936, by G. J. Kearns from Blandford, Mass., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Baskets) "Borough Blues Grown and Packed by G. J. Kearns and P. P. Morand, W. Granville, Mass."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On August 22, 1936, no claimant appearing, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26583. Adulteration of blueberries. U. S. v. 3 Crates of Blueberries. Default decree of condemnation and destruction. (F. & D. no. 38164. Sample no. 9499-C.)

This case involved blueberries that were infested with maggots.

On August 7, 1936, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of three crates of blueberries at New York, N. Y., shipped on or about August 6, 1936, alleging that the article had been shipped in interstate commerce by J. E. Saltain, from Federalsburg, Md., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On August 22, 1936, no claimant appearing, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26584. Adulteration of blueberries. U. S. v. 3 Crates of Fresh Blueberries. Default decree of condemnation and destruction. (F. & D. no. 38165. Sample no. 18761-C.)

This case involved blueberries that were infested with maggots.

On August 7, 1936, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of three crates of fresh blueberries at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 6, 1936, by Peter Sunday, from Tobyhanna, Pa., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On August 22, 1936, no claimant appearing, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, Acting Secretary of Agriculture.

26585. Misbranding and alleged adulteration of peaches. U. S. v. 93 Bushels of Peaches. Decree of condemnation. Product ordered released under bond to be relabeled. (F. & D. no. 38167. Sample no. 8213-C.)

This case involved peaches that fell below the grade indicated on the labels, since practically all were less than $2\frac{1}{4}$ inches, the size which they were represented to be.

On August 15, 1936, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 93 bushels of peaches at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about August 13, 1936, by Layton & Owens, from Bridgeville, Del., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Lawnview Brand Grown by Mrs. Wm. N. Willin, Bridgeville, Del. U. S. No. 1, Elberta $2\frac{1}{4}$ in."

The article was alleged to be adulterated in that peaches below the grade indicated on the label had been substituted in whole or in part for the article.

The article was alleged to be misbranded in that the statements on the label, "U. S. No. 1" and " $2\frac{1}{4}$ in.," were false and misleading and tended to deceive and mislead the purchaser when applied to an article below the grade indicated on the label.

On August 17, 1936, Campbell & Colace, Philadelphia, Pa., having appeared as claimant, judgment was entered finding the product misbranded and ordering that it be condemned and released under bond to be relabeled.

M. L. WILSON, Acting Secretary of Agriculture.

26586. Misbranding and alleged adulteration of peaches. U. S. v. 119 Bushels of Peaches. Decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 38168. Sample no. 8214-C.)

This case involved fresh peaches that fell below the grade indicated on the label, approximately 90 percent being under 2 inches in diameter.

On August 15, 1936, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 119 bushels of peaches at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about August 13, 1936, by John Spence, from Bridgeville, Del., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "John Spence, Bridgeville, Del. U. S. No. 2 2 Inch and up."

The article was alleged to be adulterated in that peaches below the grade indicated on the label had been substituted in whole or in part for the article.

The article was alleged to be misbranded in that the statements on the label, "U. S. No. 1" and "2 Inch and Up", were false and misleading and tended to deceive and mislead the purchaser when applied to an article below the grade indicated on the label.

On August 17, 1936, John Spence appearing as claimant, judgment was entered finding the product misbranded and ordering that it be condemned and released under bond to be relabeled.

M. L. WILSON, Acting Secretary of Agriculture.

26587. Adulteration of blueberries. Default decree of condemnation and destruction. (F. & D. no. 38169. Sample no. 9494-C.)

This case involved blueberries that were infested with maggots.

On August 7, 1936, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of nine crates of blueberries at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 5, 1936, by Kurt Bros., from Mount Carmel, Pa., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On August 22, 1936, no claimant appearing, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26588. Adulteration of butter. U. S. v. 10 Cartons, et al., of Butter. Consent decrees of condemnation. Product released under bond to be reworked. (F. & D. nos. 38176 to 38179, incl. Sample nos. 5038-C to 5091-C, incl.)

These cases involved butter that was deficient in milk fat.

On August 4, 1936, the United States attorney for the District of Minnesota, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 86 cartons of butter at Duluth, Minn., alleging that the article had been shipped in interstate commerce on or about July 24, 1936, in various consignments, by the Granville Cooperative Creamery from Granville, N. Dak.; Sherwood Creamery Association from Sherwood, N. Dak.; Bottineau Cooperative Creamery Association from Bottineau, N. Dak.; and Farmers Union Cooperative Creamery Association from Portland, N. Dak., charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled: "Land O'Lakes Creameries, Inc., Crookstown, Minn."

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat, as provided by the act of Congress of March 4, 1923.

On September 8, 1936, Land O' Lakes Creameries, Inc., having appeared as claimant and the actions having been consolidated, judgment of condemnation was entered and it was ordered that the product be released under bond, conditioned that it be reworked to the legal standard.

M. L. WILSON, *Acting Secretary of Agriculture.*

26589. Adulteration of butter. U. S. v. 9, 10, and 4 Tubs of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. & D. nos. 38180, 38181, 38182. Sample nos. 8509-C, 8510-C, 8511-C, 9024-C, 9025-C.)

These cases involved interstate shipments of butter that was deficient in milk fat.

On August 10 and 11, 1936, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 23 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about July 28, 1936, in part by the Anderson Creamery Co. from Dickinson, N. Dak.; in part by Glen Ullin Creamery from Glen Ullin, N. Dak.; and in part by New England Creamery from New England, N. Dak., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat as provided by the act of Congress of March 4, 1923.

On September 15, 1936, Fortgang Bros., New York, N. Y., claimant, having admitted the allegations of the libel and consented to the entry of a decree and the cases having been consolidated, judgment of condemnation was entered and it was ordered that the product be released under bond, conditioned that it be reworked so that it contain at least 80 percent of milk fat.

M. L. WILSON, *Acting Secretary of Agriculture.*

26590. Adulteration and misbranding of chocolate coating. U. S. v. 50 Cartons and 120 Cartons of Sweet Coating. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 38184. Sample nos. 40791-B. 40792-B.)

This case involved an interstate shipment of chocolate coating in which skim-milk solids had been substituted for whole-milk solids.

On August 20, 1936, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 170 cartons of chocolate coating at Tacoma, Wash., alleging that the article had been shipped in interstate commerce on or about April 8 and 11, 1936, by Boldemann Chocolate Co., from San Francisco, Calif., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Boldemann's Sweet Coating Dale Milk made by Boldemann Chocolate Co., San Francisco."

The article was alleged to be adulterated in that a substance containing skim-milk solids had been substituted for the article.

The article was alleged to be misbranded in that the statement "Sweet coating * * * milk" was false and misleading and tended to deceive and mislead the purchaser.

On September 14, 1936, the Boldemann Chocolate Co. having appeared as claimant, consent decree of condemnation was entered and it was ordered that the product be released under bond for relabeling.

M. L. WILSON, *Acting Secretary of Agriculture.*

26591. Adulteration of butter. U. S. v. 74 Cubes and 84 Cubes of Butter. Consent decrees of condemnation. Product released under bond to be reworked. (F. & D. nos. 38212, 38213. Sample nos. 4702-C, 4703-C.)

These cases involved butter that was deficient in milk fat.

On August 11, 1936, the United States attorney for the District of Nebraska, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 158 cubes of butter at Omaha, Nebr., alleging that the article had been shipped in interstate commerce on or about June 1 and June 8, 1936, by the Linwood Creamery Co., from Wichita, Kans., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat, as provided by the act of Congress of March 4, 1923.

On August 13, 1936, the Omaha Cold Storage Co., Omaha, Nebr., having appeared as claimant and having consented to the entry of decrees, judgments of condemnation were entered and it was ordered that the product be released under bond conditioned that it be reworked to the legal standard.

M. L. WILSON, *Acting Secretary of Agriculture.*

26592. Adulteration of crab meat. U. S. v. 15 Pounds of Crab Meat. Default decree of condemnation and destruction. (F. & D. no. 38216. Sample no. 7951-C.)

This case involved crab meat that was filthy.

On August 18, 1936, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 pounds of crab meat at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce, on or about August 16, 1936, by W. O. Larrimore, from St. Michaels, Md., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted of a filthy animal substance.

On September 9, 1936, no claimant appearing, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26593. Adulteration of chubs. U. S. v. 12 Boxes of Fish (Chubs). Default decree of condemnation and destruction. (F. & D. no. 38217. Sample no. 9172-C.)

This case involved chubs that were infested with worms.

On August 13, 1936, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the

district court a libel praying seizure and condemnation of 12 boxes of chubs at Brooklyn, N. Y., shipped by the Canada Fish Distributors, Ltd., Windsor, Ontario, on or about August 10, 1936, alleging that the article had been shipped in foreign commerce and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Canada Fish Distributors Limited Windsor, Ont."

The article was alleged to be adulterated in that it consisted in part of a filthy animal substance and in that it consisted of portions of animals unfit for food.

On September 12, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26594. Adulteration of blueberries. U. S. v. 45 Crates of Blueberries. Default decree of forfeiture and destruction. (F. & D. no. 38218. Sample no. 11620-C.)

This case involved blueberries that were infested with maggots.

On August 14, 1936, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 45 crates of blueberries at Boston, Mass., shipped on or about August 13, 1936, alleging that the article had been shipped in interstate commerce by E. Bahrenberg, from Bangor, Maine, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On September 14, 1936, no claimant appearing, judgment of forfeiture was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26595. Adulteration of apples. U. S. v. Sixty 1-Bushel Crates of Apples. Consent decree of condemnation and destruction. (F. & D. no. 38221. Sample no. 7708-C.)

This case involved apples that were contaminated with arsenic and lead.

On August 20, 1936, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 60 crates of apples at Baltimore, Md., alleging that the article had been transported in interstate commerce on or about August 14, 1936, by Harry T. Silverfarb Co., Inc., Baltimore, Md., from Leesburg, Va., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead.

On August 22, 1936, Harry T. Silverfarb, Co. Inc., having admitted the allegations of the libel and having consented to the entry of the decree, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26596. Adulteration of cherries. U. S. v. 21 Crates of Cherries. Default decree of condemnation and destruction. (F. & D. no. 38222. Sample no. 5872-C.)

This case involved cherries that were contaminated with arsenic and lead.

On August 3, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 21 crates of cherries at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about July 29, 1936, by Levi McClatchie from Ludington, Mich., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts which might have rendered it injurious to health.

On October 2, 1936, no claimant appearing, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26597. Adulteration of cherries. U. S. v. 3 Crates of Cherries. Default decree of condemnation and destruction. (F. & D. no. 38224. Sample no. 5886-C.)

This case involved cherries that were contaminated with arsenic and lead.

On August 5, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of three crates of cherries at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about July 29, 1936, by C. Woodward, from Ludington, Mich., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts which might have rendered it injurious to health.

On October 2, 1936, no claimant appearing, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, Acting Secretary of Agriculture.

26598. Adulteration and misbranding of canned sardines. U. S. v. 3 Cases and 5 Cases of Canned Sardines. Default decrees of condemnation and destruction. (F. & D. nos. 38229, 38321. Sample nos. 7451-C, 16892-C.)

This product contained excessive lead and was short in weight.

On August 28 and September 30, 1936, the United States attorneys for the Western District of New York and the Northern District of New York, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of three cases of canned sardines at Buffalo, N. Y., and five cases of canned sardines at Binghamton, N. Y., alleging that the article had been shipped in interstate commerce on or about March 21, 1936, by Coehlo Bros., from Providence, R. I. to New York, N. Y., that it subsequently had been reshipped from New York, N. Y., in part to Buffalo, N. Y., and in part to Binghamton, N. Y., and that it was adulterated and misbranded in violation of the Food and Drugs Act as amended. The article was labeled in part: "Skinless and Boneless Portugese Sardines * * * Greatness Brand * * * Packed in Portugal Net Weight 7½ Ounces."

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it injurious to health.

The article was alleged to be misbranded in that the statement "Net Weight 7½ Ounces", borne on the label, was false and misleading and tended to deceive and mislead the purchaser when applied to an article that was short-weight and in that the quantity of the contents was not plainly and conspicuously marked on the outside of the package since the statement made was incorrect.

On September 28 and November 30, 1936, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

M. L. WILSON, Acting Secretary of Agriculture.

26599. Adulteration of crab meat. U. S. v. 1 Barrel, et al., of Crab Meat. Default decree of condemnation and destruction. (F. & D. nos. 38226, 28230. Sample nos. 7971-C, 7975-C.)

These cases involved crab meat that was filthy.

On August 27 and August 29, 1936, the United States attorney for the District of Columbia, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of two barrels of crab meat at Washington, D. C., alleging that the article had been shipped in interstate commerce on or about August 25 and August 26, 1936, by J. M. Clayton Co., from Cambridge, Md., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted of a filthy animal substance.

On October 13, 1936, no claimant appearing, judgments of condemnation were entered and it was ordered that the product be destroyed.

M. L. WILSON, Acting Secretary of Agriculture.

26600. Adulteration of canned salmon. U. S. v. 1,617 Cartons of Canned Salmon. Consent decree of condemnation. Product released under bond. (F. & D. no. 38236. Sample nos. 2718-C, 11017-C.)

This case involved canned salmon that was in part decomposed.

On September 1, 1936, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,617 cartons of canned salmon at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about July 25, July 26, and July 27, 1936, from Anchorage, Alaska, by the Bank of Alaska for Henry J. Emard, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On September 9, 1936, H. J. Emard, Anchorage, Alaska, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond, conditioned that it not be disposed of in violation of the Food and Drugs Act.

M. L. WILSON, *Acting Secretary of Agriculture.*

26601. Adulteration of blueberries. U. S. v. 3 Crates of Blueberries. Default decree of condemnation and destruction. (F. & D. no. 38239. Sample no. 7111-C.)

This case involved blueberries that were infested with maggots.

On September 2, 1936, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of three crates of blueberries at Providence, R. I., alleging that the article had been shipped in interstate commerce on or about August 27, 1936, by Maynard Albee, from Wiscasset, Maine, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On September 22, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26602. Adulteration and misbranding of butter. U. S. v. 1 Box and 1 Box of Butter. Consent decrees of condemnation. Product ordered destroyed or delivered to charitable institution. (F. & D. nos. 38242, 38243. Sample nos. 2734-C, 2735-C.)

These cases involved butter a part of which was deficient in milk fat and a part of which was short in weight.

On August 13, 1936, the United States attorney for the District of Oregon, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of two boxes of butter at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about August 7, 1936, by the Holland Creamery Co., from Vancouver, Wash., and charging adulteration and misbranding of a portion and misbranding of the remainder in violation of the Food and Drugs Act as amended. A portion of the article was labeled: "Weight One Pound (B) Forget-Me-Not Creamery Butter." The remainder was labeled: "Butter (A Grade) Distributor No. 71, Factory No. 23. We Guarantee Oregon Groceteria Special."

A portion of the article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat, as provided by the act of March 4, 1923.

Misbranding was alleged with respect to the said portion in that it was labeled "Butter", which was false and misleading since it contained less than 80 percent by weight of milk fat.

The remaining lot was alleged to be misbranded in that it was labeled "Weight One Pound", which was false and misleading as the package contained less than that quantity; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 21, 1936, the Holland Creamery Co., having consented to the entry of decrees, judgments of condemnation were entered and it was ordered that the product be destroyed or delivered to a charitable institution.

M. L. WILSON, *Acting Secretary of Agriculture.*

26603. Adulteration of canned salmon. U. S. v. 12,327 Cases, et al., of Canned Salmon. Consent decrees of condemnation. Product ordered released under bond. (F. & D. nos. 38252, 38264, 38274, 38306, 38330, 38343, 38384. Sample nos. 2698-C, 2699-C, 11077-C, 11084-C, 11092-C, 11094-C to 11097-C, incl., 22014-C, 22015-C, 22016-C, 22043-C, 22095-C.)

These cases involved interstate shipments of canned salmon that was in part decomposed.

On September 3, 8, 10, 16, 22, 24, and October 6, 1936, the United States attorney for the Western District of Washington, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 27,612 cases and 13,515 cartons of canned salmon at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about August 8, August 15, and August 23, 1936, by Pioneer Seafoods Co., from Orca, Alaska, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On September 8, 14, 19, 24, 30, and October 10, 1936, the Pioneer Seafoods Co. having appeared as claimant and having consented to the entry of decrees, judgments of condemnation were entered and it was ordered that the product be released under bond, conditioned that it not be disposed of in violation of the Food and Drugs Act.

M. L. WILSON, *Acting Secretary of Agriculture.*

26604. Adulteration of canned salmon. U. S. v. 604 Cases, et al., of Salmon. Consolidated consent decree of condemnation. Product ordered released under bond. (F. & D. nos. 38254, 38267, 38275. Sample nos. 10901-C, 10902-C, 10906-C, 10909-C, 10910-C.)

These cases involved canned salmon that was in part decomposed.

On September 3, 1936, and September 10, 1936, the United States attorney for the Western District of Washington, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 4,361 cases of pink salmon at Seattle, Wash., alleging that the product was shipped in interstate commerce on or about August 8, 1936, by the Alaska Red Salmon Packers Co., from Carmel, Alaska, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On September 9, 1936, the Alaska Red Salmon Packers, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond subject to compliance with the provisions of the Food and Drugs Act.

M. L. WILSON, *Acting Secretary of Agriculture.*

26605. Adulteration of cream. U. S. v. One 10-Gallon Can and One 5-Gallon Can of Cream. Consent decree of destruction. (F. & D. no. 38255. Sample no. 7680-C.)

This case involved cream that was in various stages of decomposition.

On July 31, 1936, the United States attorney for the Northern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of two cans of cream at Sistersville, W. Va., consigned by Jane Bohlen and Harry Helpman, from Dart, Ohio, alleging that the article had been shipped in interstate commerce on or about July 28, 1936, by truck of the Bowser Sales & Trading Corporation, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of putrid, maggoty, and moldy animal substance.

On July 31, 1936, the Bowser Sales & Trading Corporation, Sistersville, W. Va., having consented to the entry of a decree, judgment was entered ordering that the product be destroyed immediately.

M. L. WILSON, *Acting Secretary of Agriculture.*

26606. Adulteration of cream. U. S. v. One 5-Gallon Can, et al., of Cream. Consent decrees of condemnation and destruction. (F. & D. nos. 38256, 38257. Sample nos. 7681-C, 7682-C.)

These cases involved interstate shipments of cream that was in various stages of decomposition.

On July 31 and August 3, 1936, the United States attorney for the Northern District of West Virginia, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of six cans of cream at New Martinsville, W. Va., alleging that the article had been

shipped in interstate commerce on or about July 28 and 29, 1936, in part by Clara R. Fritsche, from Lowell, Ohio, and in part by the Bowser Sales & Trading Corporation from Sardis, Antioch, and Clarrington, Ohio, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted of a yeasty and decomposed animal substance.

On July 31 and August 31, 1936, the parties in interest having waived service and consented to the entry of decrees, judgments were entered ordering that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26607. Adulteration of blueberries. U. S. v. 10 Crates, et al., of Blueberries. Default decrees of condemnation and destruction. (F. & D. nos. 38279, 38315, 38316, 38317, 38324. Sample nos. 7457-C, 9094-C, 9191-C to 9194-C, incl.)

These cases involved blueberries which were infested with maggots.

On August 29 and September 8, 1936, the United States attorneys for the Western and the Southern Districts of New York, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 10 crates of blueberries at Buffalo, N. Y., and 45 crates of blueberries at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 25 and September 3, 1936, by W. C. Robinson, from Harrington, Maine., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On September 28 and November 16, 1936, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26608. Adulteration of crab meat. U. S. v. 1 Barrel, et al., of Crab Meat. Default decrees of condemnation and destruction. (F. & D. nos. 38244, 38245, 38281. Sample nos. 7806-C, 7969-C, 7973-C.)

These cases involved crab meat that contained filth.

On August 26, 27, and 28, 1936, the United States attorneys for the District of New Jersey and the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 100 pounds of crab meat at Atlantic City, N. J.; 100 pounds of crab meat at Ocean City, N. J.; and 1 barrel of crab meat at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about August 24, 25, and 26, 1936, by the J. M. Clayton Co., from Cambridge, Md., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance.

On September 25 and 29, 1936, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26609. Adulteration of canned salmon. U. S. v. 1,818 Cases, et al., of Salmon. Consent decrees of condemnation. Product ordered released under bond. (F. & D. nos. 38296, 38307, 38551. Sample nos. 3631-C, 3760-C, 3774-C, 3775-C, 4253-C, 4257-C.)

These cases involved canned salmon that was in part decomposed.

On September 12, September 16, and November 13, 1936, the United States attorney for the Northern District of California, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 12,808 cases of red salmon at Alameda, Calif., alleging that the article had been shipped in interstate commerce on or about August 9, 1936, by the Alaska Packers Association from Bristol Bay, Alaska, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On November 18, 1936, the Alaska Packers Association having appeared as claimant, decree of condemnation was entered and it was ordered that the product be released under bond subject to compliance with the provisions of the Food and Drugs Act.

M. L. WILSON, *Acting Secretary of Agriculture.*

26610. Adulteration of canned salmon. U. S. v. 3,821 Cases of Canned Salmon. Consent decree of condemnation. Product ordered released under bond. (F. & D. no. 38299. Sample no. 10915-C.)

This case involved canned salmon that was in part decomposed.

On September 14, 1936, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 3,821 cases of canned salmon at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about August 23, 1936, by North Pacific Sea Foods Co., from Dayville, Alaska, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On September 17, 1936, the North Pacific Sea Foods Co. having appeared as claimant and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it should not be disposed of in violation of the Federal Food and Drugs Act.

M. L. WILSON, Acting Secretary of Agriculture.

26611. Adulteration of pears. U. S. v. 516 Bushels and 516 Bushels of Pears. Decrees of condemnation. Product ordered released under bond to be cleansed. (F. & D. nos. 38293, 38303. Sample nos. 4754-C, 19001-C.)

This case involved pears that were contaminated with arsenic and lead.

On or about September 3 and September 4, 1936, the United States attorneys for the District of Colorado and the Western District of Missouri, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 516 bushels of pears at Denver, Colo., and 516 bushels of pears at Kansas City, Mo., consigned by the E. O. Muir Co., alleging that the article had been shipped in interstate commerce on or about August 28 and August 29, 1935, from Caryhurst and Provo, Utah, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Grown and Packed by D. M. Crandall & Sons, Provo, Utah, Bartlett."

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it injurious to health.

On September 4 and September 8, 1936, the W. A. White Brokerage Co. and Brown & Loe having appeared as claimants for respective portions of the article and having admitted the allegations of the libels, judgments of condemnation were entered and it was ordered that the product be released under bond to be cleansed under the supervision of this Department.

M. L. WILSON, Acting Secretary of Agriculture.

26612. Adulteration of cherries. U. S. v. 64 Crates of Cherries. Default decree of condemnation and destruction. (F. & D. no. 38305. Sample no. 14721-C.)

This case involved fresh cherries that were contaminated with arsenic and lead.

On August 12, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 64 crates of cherries at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about July 23, 1936, by M. W. Miller & Co., from Ludington, Mich., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts which might have rendered it injurious to health.

On October 2, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, Acting Secretary of Agriculture.

26613. Adulteration and misbranding of canned strawberries. U. S. v. 298 Cases of Canned Strawberries. Decree of condemnation. Product ordered released under bond to be relabeled. (F. & D. no. 38309. Sample no. 11753-C.)

This case involved canned strawberries that contained an added undeclared artificial color and sodium benzoate.

On September 17, 1936, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 298 cases of canned strawberries at Boston, Mass., alleging that the article had been shipped in interstate commerce on or about June 24, 1936, by the Apple Growers Association from Hood River, Oreg., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Johnson's Bestovall Brand Hood River Whole Strawberries * * * H. A. Johnson Co. Boston and New York Distributors."

The article was alleged to be adulterated in that artificially colored strawberries containing sodium benzoate had been substituted for the article.

The article was alleged to be misbranded in that it was labeled or branded so as to deceive and mislead the purchaser, since the added artificial color and sodium benzoate contained therein were not declared on the label.

On September 25, 1936, the H. A. Johnson Co., Boston, Mass., having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond, conditioned that the labels be obliterated or destroyed and that new labels describing the true nature of the article and the true quantity of the contents of each can replace the original labels.

M. L. WILSON, *Acting Secretary of Agriculture.*

26614. Adulteration of apples. U. S. v. 150 Bushels and 530 Bushels of Apples. Product ordered released to claimant under bond. (F. & D. nos. 38322, 38323. Sample nos. 4627-C, 4630-C, 4631-C.)

These cases involved interstate shipments of apples that were contaminated with arsenic and lead.

On September 10, 1936, the United States attorney for the Western District of Missouri, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 680 bushels of apples at Kansas City, Mo., alleging that the product had been shipped in interstate commerce on or about September 4, 1936, and September 7, 1936, by J. M. Benson from Benton Harbor, Mich., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it injurious to health.

On September 12, 1936, the Michael, Swanson & Brady Produce Co., Kansas City, Mo., having appeared as claimant, judgments of condemnation were entered and it was ordered that the apples be released under bond for the purpose of cleaning them in order to remove the deleterious ingredients.

M. L. WILSON, *Acting Secretary of Agriculture.*

26615. Misbranding of alfalfa meal. U. S. v. 200 Bags of Alfalfa Meal. Consent decree of condemnation. Product released under bond conditioned upon relabeling. (F. & D. no. 38332. Sample no. 826-C.)

This product was represented to be alfalfa leaf meal but consisted of alfalfa meal containing less protein and more fiber than declared on the label.

On September 22, 1936, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 200 bags of alfalfa meal at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about July 29, 1936, by the W. J. Small Hay & Grain Co., from Neodesha, Kans., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Tag) "Exello Fine Ground Dehydrated Alfalfa Leaf Meal * * * The W. J. Small Hay & Grain Co. Neodesha, Kansas."

The article was alleged to be misbranded in that the statements, "Alfalfa Leaf Meal * * * Crude Protein (Minimum) 20.00% * * * Crude Fibre (Maximum) 18.00%", were false and misleading and tended to deceive and mislead the purchaser, since it was not alfalfa leaf meal but was alfalfa meal and contained less protein and more fiber than declared on the label.

On October 5, 1936, the Baltimore Feed & Grain Co., Baltimore, Md., having appeared as claimant, judgment of condemnation was entered and it was ordered that the product be released under bond, subject to relabeling.

M. L. WILSON, *Acting Secretary of Agriculture.*

26616. Adulteration of canned salmon. U. S. v. 1,111 Cases of Red Salmon. Consent decree of condemnation. Product ordered released under bond for segregation and destruction of decomposed portion. (F. & D. no. 38361. Sample nos. 11242-C, 22344-C.)

This case involved salmon that was in part decomposed.

On September 30, 1936, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,111 cases of red salmon at Bellingham, Wash., alleging that the article had been shipped in interstate commerce on or about August 15, 1936, by the Lowe Trading Co., from Ketchikan, Alaska, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On November 27, 1936, the Lowe Trading Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond, conditioned that the unobjectionable codes be segregated, and that the codes containing decomposed salmon be reconditioned by separating therefrom and destroying the decomposed portion and reprocessing and labeling as such the good portion.

M. L. WILSON, *Acting Secretary of Agriculture.*

26617. Adulteration of canned salmon. U. S. v. 732 Cartons and 2,486 Cartons of Salmon. Part of product condemned and ordered released under bond. Remainder adjudged not adulterated and released unconditionally. (F. & D. no. 38362. Sample nos. 11243-C, 11244-C, 22342-C, 22343-C.)

This case involved canned salmon that was in part decomposed.

On September 30, 1936, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 3,218 cartons of canned salmon at Bellingham, Wash., alleging that the article had been shipped in interstate commerce on or about August 14, 1936, by the Snug Harbor Packing Co., from Snug Harbor, Alaska, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On November 17, 1936, the Snug Harbor Packing Co., having appeared as claimant, judgment of condemnation was entered as to certain codes consisting of 1,100 cases of the product and it was ordered that the same be released under bond, conditioned that the cans containing decomposed salmon be segregated and destroyed and that the good salmon be labeled "Reprocessed." The remainder of the product was exonerated and released as not being adulterated.

M. L. WILSON, *Acting Secretary of Agriculture.*

26618. Adulteration of apples. U. S. v. 59 Bushels of Apples. Default decree of condemnation. Product delivered to charitable institution on condition that deleterious substances be removed. (F. & D. no. 38382. Sample no. 21408-C.)

This case involved apples that were contaminated with arsenic and lead.

On September 17, 1936, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 59 bushels of apples at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about September 16, 1936, by J. B. Russell, from Golden Eagle, Ill., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On October 28, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the apples be delivered to a charitable organization on condition that they be peeled and cored in order to remove the deleterious substances.

M. L. WILSON, *Acting Secretary of Agriculture.*

26619. Adulteration of herring and mackerel. U. S. v. 70 Barrels of Herring and 70 Barrels of Mackerel. Default decree of condemnation and destruction. (F. & D. no. 38406. Sample nos. 16453-C, 16454-C.)

This case involved herring and mackerel that were in part decomposed.

On or about October 9, 1936, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 70 barrels of herring and 70 barrels of mackerel at Baltimore, Md., alleging that the articles had been shipped in foreign commerce on or about July 24, 1936, by Neville Sons, Ltd., Halifax, Nova Scotia, and shipped in interstate commerce from St. Albans, Vt., on or about July 27, 1936, and charging adulteration in violation of the Food and Drugs Act. The articles were labeled in part: "Neville Sons Ltd. Canada Herring [or "Mackerel"] * * * Halifax, N. S. Product of Canada."

The articles were alleged to be adulterated in that they consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On November 11, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26620. Adulteration of apples. U. S. v. 175 Crates of Apples. Consent decree of condemnation. Product released subject to compliance with the law. (F. & D. no. 38411. Sample no. 15030-C.)

This case involved apples that were contaminated with arsenic and lead.

On September 29, 1936, the United States attorney for the Western District of Kentucky, acting upon a report by an official of the Kentucky State Board of Health, filed in the district court a libel praying seizure and condemnation of 175 crates of apples at Louisville, Ky., alleging that the article had been shipped in interstate commerce on or about September 26, 1936, via truck of Walt Franklin, of Anderson, Ind., from Watervliet, Mich., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, which might have rendered it injurious to health.

On October 1, 1936, Walt Franklin having appeared as claimant, consent decree of condemnation was entered and it was ordered that the product be released subject to reconditioning and payment of all costs assessed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26621. Adulteration of apples. U. S. v. 65 Bushels of Apples. Consent decree of condemnation. Apples cleansed and delivered to charitable institution. (F. & D. no. 38412. Sample no. 15033-C.)

This case involved an interstate shipment of apples that were contaminated with lead and arsenic.

On or about September 30, 1936, the United States attorney for the Western District of Kentucky, acting upon a report by an official of the Kentucky State Board of Health, filed in the district court a libel praying seizure and condemnation of 65 bushels of apples at Louisville, Ky., trucked by Charles E. Kimbel of Louisville, Ky., alleging that the article had been transported in interstate commerce on or about September 27, 1936, from Fennville, Mich., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, lead and arsenic, which might have rendered it injurious to health.

On October 1, 1936, Charles E. Kimbel, Louisville, Ky., claimant, having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the apples be delivered to a charitable institution after having been washed to remove the deleterious substances.

M. L. WILSON, *Acting Secretary of Agriculture.*

26622. Adulteration of butter. U. S. v. 7 Tubs of Butter. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. & D. no. 38413. Sample nos. 17022-C, 17241-C.)

This case involved butter that was deficient in milk fat.

On October 6, 1936, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of seven tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate

commerce on or about September 21, 1936, by the Mott Cooperative Creamery Association, from Mott, N. Dak., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat as provided by the act of March 4, 1923.

On October 13, 1936, the Mott Cooperative Creamery Co., claimant, having admitted the allegations of the libel, consent decree of condemnation was entered and it was ordered that the product be released under bond, conditioned that it be reworked so that it contain at least 80 percent of milk fat.

M. L. WILSON, *Acting Secretary of Agriculture.*

26623. Adulteration of butter. U. S. v. 1 Can of Butter. Default decree of condemnation and destruction. (F. & D. no. 38573. Sample no. 23420-C.)

This case involved butter that contained maggots, small insects, human and cow hairs, mold, and nondescript dirt.

On November 11, 1936, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one can of butter at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about November 2, 1936, by N. J. Park from Paintsville, Ky., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On December 15, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26624. Adulteration of canned salmon. U. S. v. Guy & Scott and Mrs. Guy A. Scott (Scotty Packing Co.). Pleas of guilty. Fine, \$25 and costs. (F. & D. no. 37000. Sample nos. 37949-B, 37958-B, 37967-B, 37971-B, 37972-B, 37986-B, 38062-B, 38093-B, 40527-B.)

This case involved canned salmon that was in part decomposed.

On May 11, 1936, the United States attorney for the third division of the District of Alaska, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Guy A. Scott and Mrs. Guy A. Scott, trading as Scotty Packing Co., alleging that on or about June 26, June 27, July 1, and August 3, 1935, the defendants shipped from Cordova, Alaska, into the State of Washington quantities of canned salmon which was adulterated in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in part of decomposed and putrid animal substance.

On October 14, 1936, pleas of guilty were entered on behalf of the defendants and the court imposed a fine of \$25 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

26625. Adulteration and misbranding of canned tomatoes and canned tomato puree. U. S. v. 130 Cases of Canned Tomatoes, et al. Default decree of condemnation. Tomatoes ordered delivered to charitable institution. (F. & D. no. 36456. Sample nos. 28432-B, 28433-B, 28435-B, 28436-B.)

This case involved canned tomatoes and canned tomato puree, the tomatoes being substandard and not labeled to indicate that fact, and the tomato puree containing excessive mold and being short in weight.

On October 8, 1935, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 145 cases of canned tomatoes and 31 cases of canned tomato puree at Lake Charles, La., alleging that the articles had been transported in interstate commerce on or about August 31 and September 14, 1935, via truck of Gordon, Sewall & Co., of Lake Charles, La., from Beaumont, Tex., and charging adulteration and misbranding of the tomato puree and misbranding of the canned tomatoes in violation of the Food and Drugs Act as amended. The tomato puree consisted of two brands labeled respectively: "Rio Grande Valley Brand Tomato Puree * * * Net Contents 5 Oz. Packed for Rio Grande Valley Cannery Sales Co., Harlington, Texas"; "Valley Red Puree di Pomodoro Contents 4- $\frac{3}{4}$ Ozs. Avoir * * *

Packed by La Feria Canning Company, LaFeria, Texas." The canned tomatoes consisted of two brands labeled respectively: "Garth's Brand Tomatoes * * * Packed by Tyrrell & Garth, Highlands, Texas"; "Santa Rosa Brand Hand Packed Tomatoes * * * Packed by A. S. Beard, Santa Rosa, Texas, and Roanoke, Va."

The tomato puree was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

The tomato puree was alleged to be misbranded in that the statements on the labels, "Net contents 5 Oz." and "Contents 4¾ Ozs. Avoir.", were false and misleading and tended to mislead and deceive the purchaser, and in that it was food in package form and the quantity of contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was incorrect.

The canned tomatoes were alleged to be misbranded in that they were canned food that fell below the standard of quality and condition promulgated by the Secretary of Agriculture, in that it did not consist of whole or large pieces and was not normally colored, and its package and label did not bear a plain and conspicuous statement as prescribed by the Secretary of Agriculture, indicating that it fell below such standard.

On September 7, 1936, no claimant having appeared, judgment was entered condemning the products and ordering that the canned tomatoes be delivered to a charitable institution.

M. L. WILSON, *Acting Secretary of Agriculture.*

26626. Adulteration of salmon. U. S. v. 2,069 Cases of Pink Salmon. Consent decree of condemnation. Product ordered released under bond. (F. & D. no. 38425. Sample nos. 23599-C, 23644-C.)

This case involved an interstate shipment of salmon that was in part decomposed.

On October 16, 1936, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 2,069 cases of pink salmon at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about August 29 and September 4, 1936, by the Deep Sea Salmon Co., from Skowl Arm, Alaska, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On December 2, 1936, the Deep Sea Salmon Co., claimant, having admitted the allegations of the libel, consent decree of condemnation was entered and it was ordered that the product be released under bond, subject to compliance with provisions of the Food and Drugs Act.

M. L. WILSON, *Acting Secretary of Agriculture.*

26627. Adulteration of whitefish. U. S. v. 76 Cases of Whitefish. Product ordered released under bond for reshipment in foreign commerce. (F. & D. no. 38435. Sample no. 28503-C.)

This case involved an interstate shipment of frozen whitefish that was infested with worms.

On October 8, 1936, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 76 cases of frozen whitefish at Buffalo, N. Y., consigned by McInnes Products Co., alleging that the article had been shipped in interstate commerce on or about September 15, 1936, from Detroit, Mich., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Whitefish Product of Canada."

The article was alleged to be adulterated in that it consisted in part of a filthy, decomposed, or putrid animal substance.

On November 12, 1936, the McKey Brokerage Co., Detroit, Mich., and McInnes Products Co., Waterways, Alberta, Canada, having appeared as claimants and having consented to the entry of a decree, judgment was entered ordering that the product be released under bond, conditioned that it be reshipped to the Dominion of Canada.

M. L. WILSON, *Acting Secretary of Agriculture.*

26628. Adulteration of sausage and meat loaf binder. U. S. v. 44 Barrels of Sausage and Meat Loaf Binder. Consent decree of condemnation. Product released under bond to be used as hog feed. (F. & D. no. 38452. Sample no. 4746-C.)

This case involved a product that was infested with weevils and worms.

On October 23, 1936, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 44 barrels of sausage and meat loaf binder at Omaha, Nebr., alleging that the article had been shipped in interstate commerce on or about August 3 and 18, 1936, by Ettlinger Casing & Supply Co., from Kansas City, Mo., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Ettlinger Casing and Supply Co. S. F. M. Sausage and Meat Loaf Binder."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On October 24, 1936, the Dold Packing Co., Omaha, Nebr., having appeared as claimant, consent decree of condemnation was entered and it was ordered that the product be released under bond, subject to reprocessing as hog feed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26629. Adulteration of canned salmon. U. S. v. 10,629 Cases of Salmon. Consent decree of condemnation. Product ordered released under bond conditioned upon compliance with the law. (F. & D. no. 38469. Sample no. 23708-C.)

This case involved canned salmon that was in part decomposed.

On October 27, 1936, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure of 10,629 cases of pink salmon at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about August 22, 1936, by the Ocean Packing Co., from Klawock, Alaska, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On October 30, 1936, the Ocean Packing Co., a corporation, having appeared as claimant, consent decree of condemnation was entered and it was ordered that the product be released under bond conditioned upon compliance with the requirements of the Food and Drugs Act.

M. L. WILSON, *Acting Secretary of Agriculture.*

26630. Adulteration of pears. U. S. v. 186 Baskets of Pears. Decree of condemnation and destruction. (F. & D. no. 38456. Sample no. 5141-C.)

This case involved an interstate shipment of pears that were contaminated with lead and arsenic.

On October 13, 1936, the United States attorney for the District of South Dakota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 186 baskets of pears at Aberdeen, S. Dak., alleging that the article had been shipped in interstate commerce on or about September 20, 1936, by J. E. Kenney from Benton Harbor, Mich., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients.

On November 19, 1936, upon stipulation, decree of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26631. Adulteration of butter. U. S. v. 400 Boxes of Butter. Decree of condemnation. Product ordered released under bond to be reworked. (F. & D. no. 28503. Sample no. 11655-C.)

This case involved butter that was deficient in milk fat.

On October 23, 1936, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 400 boxes of butter at Springfield, Mass., consigned about October 10, 1936, alleging that the article had been shipped in interstate commerce by Mandan Creamery & Produce Co., from Mandan, N. Dak., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat, which the article purported to be.

On December 7, 1936, the Mandan Creamery & Produce Co. having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be reworked so that it contain not less than 80 percent of milk fat.

M. L. WILSON, *Acting Secretary of Agriculture.*

26632. Adulteration of apples. U. S. v. 35 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. no. 38505. Sample no. 13857-C.)

This case involved an interstate shipment of apples that were contaminated with lead and arsenic.

On October 28, 1936, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 35 bushels of apples at New Orleans, La., alleging that the article had been shipped in interstate commerce on or about October 20, 1936, by Angelo Spinato from Republic, Mo., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, lead and arsenic, which might have rendered it injurious to health.

On November 27, 1936, no claimant having appeared, decree of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26633. Adulteration of canned salmon. U. S. v. 485 Cartons of Salmon. Consent decree of condemnation. Product released under bond. (F. & D. no. 38529. Sample nos. 29256-C, 29292-C.)

This case involved canned salmon that was in part decomposed.

On November 10, 1936, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 485 cartons of pink salmon at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about August 12, 1936, by P. E. Harris from False Pass, Alaska, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On November 25, 1936, P. E. Harris & Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond subject to compliance with the provisions of the Food and Drugs Act.

M. L. WILSON, *Acting Secretary of Agriculture.*

26634. Adulteration of butter. U. S. v. 3 Cans of Butter. Default decree of condemnation and destruction. (F. & D. no. 38537. Sample no. 16477-C.)

This case involved an interstate shipment of butter that contained maggots, human and rodent hairs, insects and fragments of insects, bits of paper, and nondescript dirt.

On October 31, 1936, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of three cans of butter at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about October 29, 1936, by W. B. Hunt from Gretna, Va., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On December 8, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26635. Adulteration of ciscoes (fish). U. S. v. 5 Boxes of Ciscoes. Default decree of condemnation and destruction. (F. & D. no. 38538. Sample no. 17113-C.)

This case involved a shipment of ciscoes which were infested with worms.

On October 28, 1936, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of five boxes of ciscoes at New York, N. Y., alleging that the article had been shipped in foreign commerce on or about October 27, 1936, by the Main Fish Co., Ltd., from Montreal, Quebec, Canada, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy animal substance and in that it consisted of portions of animals unfit for food.

On November 10, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26636. Adulteration of butter. U. S. v. 2 Cans of Butter. Default decree of condemnation and destruction. (F. & D. no. 38553. Sample no. 16481-C.)

This case involved butter that contained mold, human and rodent hair, parts of insects, and nondescript filth.

On November 4, 1936, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of two cans of butter at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about November 3, 1936, by W. L. Ould from Appomattox, Va., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On December 9, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26637. Adulteration of butter. U. S. v. 1 Can of Butter. Default decree of condemnation and destruction. (F. & D. no. 38554. Sample no. 16480-C.)

This case involved butter that contained maggots, mold, hair, and nondescript dirt.

On or about November 4, 1936, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one can of butter at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about October 31, 1936, by T. P. Haden, of Moormans River, Va., from Charlottesville, Va., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or part of a filthy, decomposed, or putrid animal substance.

On December 8, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26638. Adulteration of butter. U. S. v. 1 Can of Butter. Default decree of condemnation and destruction. (F. & D. no. 38555. Sample no. 16483-C.)

This case involved butter that contained cow hairs, insect wings and legs, small flies, nondescript dirt, and mold.

On November 5, 1936, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one can of butter at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about November 4, 1936, by Williams & Evans, from Flat Gap, Ky., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On December 8, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26639. Adulteration of butter. U. S. v. 1 Tub of Butter. Default decree of condemnation and destruction. (F. & D. no. 38556. Sample no. 16484-C.)

This case involved butter that contained maggots, insect parts, mold, rodent hair, and miscellaneous dirt.

On November 6, 1936, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one tub of butter at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about November 4, 1936, by Hurt & Co., from Ferrum, Va., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On December 12, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26640. Misbranding of crackers. U. S. v. 502 Packages of Crackers. Decree of condemnation and destruction. (F. & D. no. 38562. Sample no. 11503-C.)

This case involved alleged buttered crackers that were misbranded since they contained little or no butter, the essential shortening ingredient being coconut oil, and since they had been baked 6 months prior to the time indicated.

On November 25, 1936, the United States attorney for the District of Maine, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 502 packages of crackers at Portland, Maine, alleging that the article had been shipped in interstate commerce on or about April 21, 1936, by Greer's Golden Cookies, from Watertown, Mass., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Greer's Golden Buttered Crackers * * * Baked Fresh Daily Watertown, Mass."

The article was alleged to be misbranded in that the statements, "Buttered Crackers * * * Baked Fresh Daily", and the design of a plate containing butter, borne on the label, were false and misleading and tended to deceive and mislead the purchaser when applied to an article containing little or no butterfat, and that had been baked at least 6 months before.

On December 8, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26641. Adulteration of butter. U. S. v. 53 Tubs of Butter. Consent decree of condemnation. Product released under bond to be reworked. (F. & D. no. 38572. Sample no. 9504-C.)

This case involved butter that was deficient in milk fat.

On November 13, 1936, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 53 tubs of butter at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about November 4, 1936, by Steensland Produce Co., from Beresford, S. Dak., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat, as provided by the act of March 4, 1923.

On November 17, 1936, Steensland Produce Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond, conditioned that it be reworked so that it contain at least 80 percent of milk fat.

M. L. WILSON, *Acting Secretary of Agriculture.*

26642. Adulteration of canned salmon. U. S. v. 1,419 Cases and 1,727 Cases of Canned Salmon. Consent decrees of condemnation. Product ordered released under bond. (F. & D. nos. 38231, 38692. Sample nos. 10884-C, 10897-C, 10900-C, 23805-C, 32363-C, 32380-C.)

This case involved canned salmon that was in part decomposed.

On August 31 and November 21, 1936, the United States attorney for the Western District of Washington, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of

3,146 cases of canned salmon at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about July 29 and August 14, 1936, by the Alaska Year Round Canneries Co., from Seldovia, Alaska, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On September 11 and December 4, 1936, the Alaska Year Round Canneries Co., having appeared as claimant and having consented to the entry of decrees, judgments of condemnation were entered and it was ordered that the product be released under bond conditioned that it not be disposed of in violation of the Food and Drugs Act.

M. L. WILSON, *Acting Secretary of Agriculture.*

26643. Adulteration of apples. U. S. v. 381 Boxes, et al., of Fresh Apples. Consent decree of condemnation. Product ordered released under bond. (F. & D. no. 38701. Sample nos. 24571-C, 24573-C.)

This case involved fresh apples that were contaminated with arsenic and lead.

On November 5, 1936, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 430 boxes of fresh apples at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about October 26, 1936, by Duckwall Bros., Inc., from Hood River, Oreg., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious substances, arsenic and lead.

On November 10, 1936, J. F. Hunt & Co. having appeared as claimant and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it should not be disposed of in violation of the law.

M. L. WILSON, *Acting Secretary of Agriculture.*

26644. Adulteration of oysters. U. S. v. 10 Barrels of Oysters. Consent decree ordering the article to be released under bond to be repacked. (F. & D. no. 38719. Sample no. 28427-C.)

This case involved oysters that contained added water.

On November 27, 1936, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 10 barrels containing 1,452 pints of oysters at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about November 21, 1936, by O. E. Wentworth from Baltimore, Md., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that water had been mixed and packed with the article so as to reduce and lower its quality or strength; and in that water had been substituted wholly or in part for the article.

On December 8, 1936, O. E. Wentworth & Co., Baltimore, Md., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment was entered ordering that the product be released under bond to be repacked in order to remove the excess water.

M. L. WILSON, *Acting Secretary of Agriculture.*

26645. Adulteration of oysters. U. S. v. 133, 710, and 250 Pint Cans of Oysters. Default decrees of condemnation and destruction. (F. & D. nos. 38720, 38822. Sample nos. 28430-C, 28622-C.)

These cases involved oysters that contained added water.

On November 27 and December 15, 1936, the United States attorney for the Western District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 1,093 pints of oysters at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce in part on or about November 23, 1936, in the name of W. L. Tull, and in part on or about December 9, 1936, in the name of W. L. Tull & Bro., from Crisfield, Md., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that water had been mixed and packed with it so as to reduce or lower its quality or strength and in that water had been substituted in whole or in part for the article.

On December 18, 1936, and January 4, 1937, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26646. Adulteration of apples. U. S. v. 99 Bushels of Fresh Apples. Consent decree of condemnation. Product released under bond, conditioned that deleterious substances be removed. (F. & D. no. 38740. Sample nos. 19114-C, 19116-C, 19117-C.)

This case involved apples that were contaminated with arsenic and lead. On November 16, 1936, the United States attorney for the District of Wyoming, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 99 bushels of apples at Evanston, Wyo., alleging that the article had been transported in interstate commerce on or about October 30, 1936, from the Ben Lomond Orchard Co., Ogden, Utah, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Grown and Packed by The Ben Lomond Orchard Co. Ogden, Utah."

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, which might have rendered it injurious and harmful to health.

On November 27, 1936, the Ben Lomond Orchard Co., Ogden, Utah, and the Wyoming State Hospital, Evanston, Wyo., claimants, having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond to be returned to the packer to be cleaned in order to remove the deleterious substances.

M. L. WILSON, *Acting Secretary of Agriculture.*

26647. Adulteration of tomato catsup. U. S. v. 499 Cases and 886 Cases of Catsup. Consent decrees of condemnation. Product released under bond for segregation and destruction of unfit portions. (F. & D. nos. 35281, 35411. Sample nos. 27396-B, 27853-B, 32853-B.)

These cases involved interstate shipments of tomato catsup a part of which was filthy by reason of worm and insect infestation.

On March 20 and April 20, 1935, the United States attorney for the Western District of Missouri, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 1,385 cases of tomato catsup at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about October 6, November 5, and December 15, 1934, and February 28 and March 1, 1935, by Libby, McNeill & Libby from Manzanola and Rocky Ford, Ill., and that it was adulterated in violation of the Food and Drugs Act. The article was labeled in part: "Rose-Dale Brand Tomato Catchup * * * Packed by Libby, McNeill & Libby Chicago."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On June 26, 1935, Libby, McNeill & Libby, claimant, having admitted the allegations of the libels and having consented thereto, decrees of condemnation were entered, which were subsequently amended and as amended provided that the codes deemed by the claimant as being in compliance with the law be released for further examination, that those codes found by such re-examination to be in compliance with the law be released and that those codes found to be bad, as well as those which were admitted by the claimant to be bad, be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26648. Adulteration of butter. U. S. v. 194 Pounds, et al., of Butter. Default decree of condemnation and destruction. (F. & D. nos. 38570, 38571, 38698, 38699, 38804. Sample nos. 7692-C to 7695-C, incl., 7700-C.)

Samples of butter taken from these shipments were found to contain mold, maggots, insects, and filth.

On November 6, 1936, the United States attorney for the Western District of Virginia, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 991 pounds of butter at Roanoke, Va., alleging that the article had been shipped in interstate commerce in part on or about October 30, 1936, and in part on or about November 5, 1936, in various lots by Smithys Store from Taylorsville, N. C.; Pearsons

Store from Boone, N. C.; L. S. Vannoy from West Jefferson, N. C.; H. W. Reece from Crutchfield, N. C.; L. W. Garman from Princeton, W. Va.; W. A. Johannes from Elkin, N. C.; S. G. Holcomb from Elkin, N. C.; and W. E. Reid & Co., from Dobson, N. C., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On November 6, 1936, no claim having been entered for the product, and the Roanoke Butter & Cheese Co. Inc., the consignee, having consented to its destruction, judgment was entered, covering all lots, ordering that it be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26649. Adulteration and misbranding of jams and preserves. U. S. v. 8 Cases of Strawberry Jam, et al. Consent decree of condemnation. Products released under bond to be relabeled. (F. & D. nos. 36645, 36646, 36814. Sample nos. 21684-B to 21687-B, incl., 49913-B to 49917-B, incl.)

These products contained less fruit and more sugar than jams and preserves should contain. They contained added pectin, excessive moisture, in some lots added phosphoric acid and in one lot added color. One lot of jam was short weight.

On November 21 and December 19, 1935, the United States attorney for the District of New Jersey, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 27 cases of jam and preserves at Newark, N. J., 54 dozen jars of jams at Hoboken, N. J., and 24 cases of preserves at Jersey City, N. J., alleging that the articles had been shipped in interstate commerce, in various shipments on or about September 5, September 14, October 14, and October 25, 1935, by the Fresh Grown Preserve Corporation from Brooklyn, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The jams were labeled: (Jar) "Milrey Brand Pure Strawberry Jam [or "Pure Raspberry Jam"] Milrey Packing Co."; (cases) "Milrey Pure Straw Jam" [or "Milrey Pure Rasp Jam"]. The jars of raspberry jam were further labeled: "7½ Oz. Net." The preserves were labeled: (Jar) "Nature's Own Brand Strawberry [or "Raspberry", "Blackberry", or "Peach"] Preserve * * * Fresh Grown Preserve Corp. Brooklyn, New York."

The articles were alleged to be adulterated in that sugar, water, and pectin, and in some instances acid, had been mixed and packed with the articles so as to reduce and lower their quality; in that mixtures of fruit, sugar, water, and pectin, containing in some instances acid, and in the one lot of raspberry jam, artificial color, had been substituted for jams and preserves; and in that the articles had been mixed and in the case of the raspberry jam, colored in a manner whereby inferiority was concealed.

The articles were alleged to be misbranded in that the statements on the jars, "Pure Strawberry Jam", "Pure Raspberry Jam", "Pure Strawberry Preserve", "Pure Raspberry Preserve", "Pure Blackberry Preserve", and "Pure Peach Preserve"; and on the cases containing certain of the products, "Pure Straw Jam", "Pure Rasp Jam" and "Pure Rasp & Straw Jam", were false and misleading and tended to deceive and mislead the purchaser when applied to imitation jams and preserves. Misbranding was alleged for the further reason that the articles were imitations of and offered for sale under the distinctive names of other articles.

Misbranding was alleged with respect to the raspberry jam for the further reason that the statement "7½ Oz. Net", borne on the label, was false and misleading and tended to deceive and mislead the purchaser when applied to a product which was short weight; and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package since the statement made was incorrect.

On February 6, 1936, the cases having been consolidated, and the Fresh Grown Preserve Corporation, claimant, having admitted the allegations of the libels and consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the products be released under bond conditioned that they be emptied into other containers and properly labeled.

M. L. WILSON, *Acting Secretary of Agriculture.*

26650. Adulteration of canned salmon. U. S. v. 97 Cases of Canned Salmon. Decree of condemnation. Product ordered released under bond, conditioned that the decomposed portion be destroyed. (F. & D. no. 37511. Sample no. 63087-B.)

This case involved canned salmon that was in part decomposed.

On March 31, 1936, the United States attorney for the Western District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 97 cases of pink salmon at Superior, Wis., alleging that the article had been shipped in interstate commerce on or about August 6, 1935, by the Pacific American Fisheries, Inc., from South Bellingham, Wash., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On December 10, 1936, the Pacific American Fisheries, Inc., having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered. The decree provided that the product be released under bond conditioned that the cans containing decomposed salmon be segregated and destroyed, and that the cans containing salmon which was not decomposed be labeled "Reprocessed"; or, at claimant's election, that the entire lot be destroyed.

M. L. WILSON, Acting Secretary of Agriculture.

26651. Adulteration of canned tuna fish. U. S. v. Van Camp Sea Food Co., Inc. Plea of guilty. Fine, \$250. (F. & D. no. 85928. Sample nos. 11430-B, 15723-B.)

This case involved a shipment of canned tuna fish samples of which were found to be decomposed.

On September 9, 1935, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Van Camp Sea Food Co., Inc., Terminal Island, Los Angeles, Calif., alleging shipment by said company in violation of the Food and Drugs Act on or about March 8, 1935, from the State of California into the State of Missouri of a quantity of canned tuna fish that was adulterated.

The article was labeled in part: "White Star Brand * * * Packed and Guaranteed by White Star Canning Co. Los Angeles Harbor, Calif., Division of Van Camp Sea Food Co., Inc."

The article was alleged to be adulterated in that it consisted in part of a decomposed animal substance.

On November 23, 1936, a plea of guilty was entered on behalf of the defendant and on November 30, 1936, the court imposed a fine of \$250.

M. L. WILSON, Acting Secretary of Agriculture.

26652. Adulteration and misbranding of tomato paste and tomato sauce. U. S. v. 50 Cartons of Tomato Paste, et al. Default decrees of condemnation and destruction. [F. & D. nos. 36157, 36158, 36160, 36331 to 36336, incl., 36594. Sample nos. 15595-B, 16044-B, 16046-B.]

Samples taken from these products were found to contain filth resulting from worm infestation. The tomato sauce was falsely represented to contain sweet basil; one lot of the tomato paste contained undeclared added color and was labeled to indicate that it was manufactured by a firm other than the actual manufacturer.

On August 22, 1935, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 100 cartons of tomato paste and 8 cartons and 144 cans of tomato sauce at New York, N. Y. On August 21, September 16, September 17, and November 1, 1935, libels were filed in the District of New Jersey, the Eastern District of New York, and the District of Massachusetts against 25 cartons of tomato paste, and 87 cartons and 332 cans of tomato sauce in various lots at Jersey City, Paterson, Lodi, and Bernardsville, N. J.; 8 cases and 144 cans of tomato sauce at Staten Island, N. Y.; and 250 cartons of tomato paste at Boston, Mass. The libels alleged that the articles had been shipped in interstate commerce by the Coast Fishing Co., in part on or about July 13, 1935, from Wilmington, Calif., and in part on or about September 18, 1935, from Los Angeles Harbor, Calif., and that they were

adulterated and portions thereof also were misbranded in violation of the Food and Drugs Act.

The articles were labeled variously in part: "Campania Brand Tomato Paste * * * Packed by Italian Food Products Co. Inc., Long Beach, California"; "Prince Superfine Tomato Paste Concentrated Prince Marcaroni Mfg. Co. Boston, Mass."; "La Famosa Brand Pure Tomato Sauce * * * With Sweet Basil, Con Basilico * * * Packed in California for Ossola Bros., Inc., New York—Pittsburgh."

The articles were alleged to be adulterated in that they consisted in whole or in part of filthy vegetable substances.

The tomato paste seized at Boston, Mass., was alleged to be misbranded in that the statement on the label, "Prince Macaroni Mfg. Co., Boston, Mass.", was false and misleading and tended to deceive and mislead the purchaser since it created the impression that that firm was the manufacturer, whereas the Anaheim Canning Co., Anaheim, Calif., was the manufacturer; and in that it was labeled or branded so as to deceive and mislead the purchaser, since the presence of added artificial color was not declared on the label.

The tomato sauce was alleged to be misbranded for the reason that the statement on the label, "With Sweet Basil—Con Basilico", was false and misleading and tended to deceive and mislead the purchaser when applied to a product containing no sweet basil.

On October 14, November 20, 1935, January 10, and September 23, 1936, no claimant having appeared, judgments of condemnation were entered and it was ordered that the products be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26653. Adulteration of canned tomatoes. U. S. v. Raymond L. Harrison, Robert S. Harrison, James S. Harrison, and Merton G. Jarboe (Harrison & Jarboe). **Plea of guilty.** Fine, \$100 and costs. (F. & D. no. 36992. Sample no. 49435-B.)

This case involved canned tomatoes that contained added water.

On September 14, 1936, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Raymond L. Harrison, Robert S. Harrison, James S. Harrison, and Merton G. Jarboe, copartners trading as Harrison & Jarboe, at Sherwood, Md., alleging shipment by said defendants on or about September 21, 1935, from Cordova, Md., into the State of Pennsylvania of a quantity of canned tomatoes that were adulterated in violation of the Food and Drugs Act. The article was labeled in part: "Dover Brand Tomatoes * * * Packed by Harrison & Jarboe, Sherwood, Md."

The article was alleged to be adulterated in that water had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in part for tomatoes, which the article purported to be.

On November 4, 1936, the defendants were arraigned and pleaded guilty, and the court imposed a fine of \$100 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

26654. Adulteration and misbranding of preserves. U. S. v. The Velmo Co., Lionel E. Samuels, and Samuel A. Samuels. **Pleas of guilty.** Fines, \$100 on each count as to each of the three defendants. Payment remitted on all counts but first as to all defendants. (F. & D. no. 37031. Sample nos. 43769-B to 43775-B, incl., 44101-B to 44105-B, incl., 44120-B, 44121-B, 65862-B to 65865-B, incl.)

These products contained less fruit and more sugar than preserves should contain. All lots contained added pectin, most lots contained excessive moisture, and some also contained added phosphate.

On October 8, 1936, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Velmo Co., a corporation, and Lionel E. Samuels and Samuel A. Samuels, officers of said corporation, of New York, N. Y., alleging shipment by said defendants in violation of the Food and Drugs Act between the approximate dates of October 14, 1935, and February 7, 1936, from the State of New York into the State of Massachusetts of quantities of strawberry and raspberry preserves which were adulterated and misbranded. Portions of the articles were labeled: "Velmo Brand Pure Preserves Strawberry [or "Raspberry"] The Velmo Company New York, N. Y." The remainder were labeled: "Golden West * * * Pure Raspberry [or "Strawberry"] Preserves * * * Golden West Preserve Company, San Francisco and New York."

The Velmo brand preserves were alleged to be adulterated in that mixtures of strawberries or raspberries containing pectin and moisture, and less fruit and more moisture than are contained in preserves, had been substituted wholly for pure strawberry preserves and pure raspberry preserves, respectively, which the articles were represented to be. The Golden West brand preserves were alleged to be adulterated in that mixtures of raspberries or strawberries containing sugar and pectin and, in some instances, water and phosphate and containing less fruit and more sugar than are contained in preserves, had been substituted for pure strawberry preserves and pure raspberry preserves, respectively, which the articles were represented to be; in that sugar and pectin and, in some instances, water and phosphate had been mixed with the articles so as to reduce or lower their quality; and in that the articles were inferior to strawberry and raspberry preserves, and had been mixed in a manner whereby such inferiority was concealed.

The articles were alleged to be misbranded in that the statements, "Pure Preserves Strawberry", "Pure Preserves Raspberry", "Pure Raspberry Preserves", and "Pure Strawberry Preserves", borne on the labels, were false and misleading and in that by the appearance of the aforesaid statements on the jar labels, the articles were labeled so as to deceive and mislead the purchaser, since they were not pure strawberry preserves and pure raspberry preserves, respectively. Misbranding was alleged for the further reason that the articles were imitations of strawberry and raspberry preserves and had been offered for sale under the distinctive names of said articles.

On November 16, 1936, pleas of guilty were entered on behalf of the defendants and the court imposed a fine of \$100 on each count against each defendant, or \$300 in all on each count. Payment of fines on all counts but the first, was remitted as to all defendants.

M. L. WILSON, *Acting Secretary of Agriculture.*

26655. Adulteration of tomato ketchup. U. S. v. Brocton Preserving Co., Inc. Plea of guilty. Fine, \$100. (F. & D. no. 37033. Sample no. 44041-B.)

This case involved a shipment of tomato ketchup that contained excessive mold.

On May 11, 1936, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Brocton Preserving Co., Inc., Brocton, N. Y., alleging shipment by said company in violation of the Food and Drugs Act on or about September 30, 1935, from the State of New York into the State of Massachusetts of a quantity of tomato ketchup that was adulterated. The article was labeled in part: "Brocton Brand * * * Tomato Ketchup, Brocton Preserving Co. Brocton, N. Y."

The article was alleged to be adulterated in that it consisted in part of a filthy and decomposed vegetable substance.

On January 12, 1937, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$100.

M. L. WILSON, *Acting Secretary of Agriculture.*

26656. Adulteration of dried peaches. U. S. v. Guggenlime & Co. Plea of guilty. Fine, \$100. (F. & D. no. 37050. Sample no. 46234-B.)

This case involved a shipment of dried peaches that were in part moldy, infested, and dirty.

On August 3, 1936, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Guggenlime & Co., a corporation, trading at San Francisco, Calif., alleging shipment by said defendant in violation of the Food and Drugs Act on or about December 17, 1935, from the State of California into the State of Louisiana of a quantity of an article of food, dried peaches, which was adulterated and misbranded. The article was labeled in part: "Waldorf Brand Choice Recleaned Cling Peaches Guggenlime & Company."

The article was alleged to be adulterated in that it consisted in whole and in part of a filthy vegetable substance.

On November 19, 1936, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$100.

M. L. WILSON, *Acting Secretary of Agriculture.*

26657. Adulteration of butter. U. S. v. Isaac Evans Wilson. Plea of nolo contendere. Fine, \$100. (F. & D. no. 37059. Sample no. 48726-B.)

This case involved butter which contained less than 80 percent of milk fat.

On November 3, 1936, the United States attorney for the Middle District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Isaac Evans Wilson, a member of a partnership trading as the Americus Ice Cream & Creamery Co., Americus, Ga., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about February 14, 1936, from the State of Georgia into the State of Florida of a quantity of butter that was adulterated.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat, as prescribed by the act of March 4, 1923, which the article purported to be.

On November 23, 1936, the defendant entered a plea of nolo contendere and the court imposed a fine of \$100.

M. L. WILSON, Acting Secretary of Agriculture.

26658. Misbranding of peanut butter. U. S. v. Martin Peanut Products Corporation. Plea of guilty. Fine, \$50 on first count; sentence suspended on remaining count. (F. & D. no. 37060. Sample no. 53701-B.)

This case involved a shipment of peanut butter which was short weight.

On July 1, 1936, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Martin Peanut Products Corporation, trading at Brooklyn, N. Y., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about November 19, 1935, from the State of New York into the State of Washington of a quantity of peanut butter that was misbranded. The article was labeled in part: "Reliance Brand, R P F Peanut Butter, Net Wt. 16 Oz. * * * Packed For Reliance Pure Foods, Seattle, U. S. A."

The article was alleged to be misbranded in that the statement "Net Wt. 16 Oz", borne on the jar label, was false and misleading and in that it was labeled so as to deceive and mislead the purchaser since the jars did not contain 16 ounces net weight of the article but did contain a less amount.

Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 9, 1936, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$50 on count 1 and ordered that sentence be suspended on count 2.

M. L. WILSON, Acting Secretary of Agriculture.

26659. Adulteration and misbranding of olive oil. U. S. v. 9 Cans of Alleged Olive Oil. Default decree of condemnation. Product ordered destroyed or sold. (F. & D. no. 37376. Sample no. 65641-B.)

This case involved olive oil which was adulterated with tea-seed oil. The label of the product indicated that it was packed by a firm other than the actual packer and bore false and fraudulent health claims.

On March 16, 1936, the United States attorney for the District of New Hampshire, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of nine 1-gallon cans of olive oil at Nashua, N. H., alleging that the article had been shipped in interstate commerce on or about January 7, 1936, by John Zedros from Boston, Mass., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

The article was labeled in part: "Alma Brand Health Pure Imported Olive Oil * * * John Zedros, Boston, Mass."

The article was alleged to be adulterated in that tea-seed oil had been mixed and packed with it so as to reduce or lower its quality or strength and in that tea-seed oil had been substituted in whole or in part for olive oil, which the article purported to be.

The article was alleged to be misbranded in that the following statements, borne on the can label, were false and misleading and tended to deceive and mislead the purchaser when applied to a product containing tea-seed oil: (Main panels) "Health * * * Pure Imported Olive Oil [designs of leaves and fruit of the olive tree]"; (side panels) "Alma Brand Olive Oil is a superior

quality pure imported olive oil, unsurpassed for salads and cooking. Because of its Purity it is recommended for all Medicinal Purposes. * * * Beneficial in * * * all other purposes for which olive oil is used. * * * Insist on Alma Brand to be sure that it is pure imported olive oil, guaranteed by the packer." Misbranding was alleged for the further reason that the statement on the label, "John Zedros, Boston, Mass.", was false and misleading and tended to deceive and mislead the purchaser since it created the impression that John Zedros was the packer; whereas Cosmos Food, Inc., of Lynn, Mass., was the packer; in that the article was offered for sale under the distinctive name of another article, namely, olive oil, and in that the statement on the label, "The Regular use of this olive oil will help build a vigorous and healthy body", was a statement regarding the curative or therapeutic effect of the article and was false and fraudulent.

On July 14, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be disposed of by destruction or sale as the court might direct. On September 25, 1936, the product was ordered sold.

M. L. WILSON, *Acting Secretary of Agriculture.*

26660. Misbranding of canned pears. U. S. c. 20 Cases of Canned Pears (and other libel proceedings). Decrees of condemnation. Product released under bond to be relabeled. (F. & D. nos. 87509, 87520, 37563, 37564, 37565. Sample nos. 49300-B, 59201-B, 59208-B, 59209-B, 59210-B.)

These cases involved canned pears that were substandard since they were not in unbroken halves, and which were not labeled to indicate that they were substandard.

On March 31, April 1, and April 7, 1936, the United States attorney for the District of Kansas, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 673 cases of canned pears in various lots at Topeka, Lawrence, and McPherson, Kans., alleging that the article had been shipped in interstate commerce in various shipments on or about September 13, October 16, and October 25, 1935, by the Rogue River Valley Canning Co., from Medford, Oreg., and charging misbranding in violation of the Food and Drugs Act as amended.

The article was labeled in part: (Cans) "Medford Brand Bartlett Pears * * * Packed by Rogue River Valley Canning Co., Medford, Ore."

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since it was not in unbroken halves, being excessively trimmed, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department indicating that it fell below such standard.

On January 19, 1937, the Rogue River Valley Canning Co., claimant, having admitted the allegations of the libels, and having executed a bond conditioned that the product be properly labeled, judgments of condemnation were entered and it was ordered that the product be released.

M. L. WILSON, *Acting Secretary of Agriculture.*

26661. Adulteration and misbranding of olive oil. U. S. v. 69 Cases and 26 Cases of Olive Oil. Consent decree of condemnation. Product released under bond for relabeling. (F. & D. no. 37553. Sample nos. 52916-B, 52917-B.)

This case involved olive oil that was adulterated with tea-seed oil.

On April 6, 1936, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 69 cases, each containing six gallon cans, and 26 cases, each containing 24 quart cans of olive oil, at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about August 19, 1935, by the DeLuca Olive Oil Co., Inc., from New York, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was labeled in part: "Olive Oil Pure Extra Sublime Conte Rosso, Guaranteed by Italo-American Importing Co. (Incorporated) St. Louis, Mo."

The article was alleged to be adulterated in that tea-seed oil had been mixed and packed therewith so as to reduce or lower its quality or strength and had been substituted in whole or in part for olive oil, which the article purported to be.

Misbranding was alleged in that the following statements and designs appearing on the package were false and misleading and tended to deceive and mislead the purchaser when applied to a product containing tea-seed oil: Designs of olive leaves and olives; "Olive Oil Pure Extra Sublime * * * This Olive Oil is guaranteed to be absolutely pure and made from the finest selected Olives grown on the Italian Riviera. This Olive Oil is highly recommended for medicinal and table use. Imported Pure Olive Oil * * * Ollo d'Oliva Puro Extra Sublime * * * Questo Ollo d'oliva e garantito assolutamente puro e fabbricato con le migliori Olive della Riviera Figure E molto raccomandato sia per uso medicinale che per uso oa tavola Ollo d'oliva puro importato." Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, namely, olive oil.

On September 25, 1936, the A. J. Capone Co., Inc., New York, N. Y., claimant, having admitted the material allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond, conditioned that it be relabeled.

M. L. WILSON, *Acting Secretary of Agriculture.*

26662. Adulteration of canned salmon. U. S. v. 8,559 Cases of Canned Salmon. Portion of product released unconditionally. Remainder condemned and released under bond conditioned that decomposed salmon be segregated and destroyed. (F. & D. no. 37604. Sample nos. 65183-B, 66834-B.)

This case involved canned salmon that was in part decomposed.

On April 16, 1936, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 8,559 cases of canned salmon at Seattle, Wash., alleging that the article had been shipped in interstate commerce in various shipments between the dates of July 27 and August 8, 1935, from Egegik, Alaska, by Libby, McNeill & Libby, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Libby's Fancy Red Alaska Salmon."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On December 30, 1936, Libby, McNeill & Libby, having appeared as claimant and the case having been submitted to the court, judgment was entered finding that a portion of the product, consisting of 442 cases, was adulterated, and ordering that said portion be condemned. The decree provided that the said 442 cases be released under bond conditioned that all cans containing decomposed salmon be segregated therefrom and destroyed. The remainder of the product was adjudged not to be adulterated and was ordered released unconditionally.

M. L. WILSON, *Acting Secretary of Agriculture.*

26663. Misbranding of canned cherries. U. S. v. 95 Cartons of Canned Cherries. Product ordered released under bond. (F. & D. no. 37605. Sample no. 65089-B.)

This product failed to conform to the standard for canned cherries established by the Secretary of Agriculture because of the presence of excessive pits, and was not labeled to indicate that it was substandard.

On April 16, 1936, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 95 cartons of canned cherries at Lewiston, Idaho, alleging that the article had been shipped in interstate commerce on or about December 26, 1935, by the Ravalli Canning Co., from Stevensville, Mont., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Ravalli * * * Red Pitted Cherries * * * Packed by Ravalli Canning Co. Stevensville, Montana."

The article was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture, since there was present more than one cherry pit per 10 ounces of net contents, namely, 4.5 pits per 10 ounces of net contents, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department indicating that it fell below such standard.

On November 2, 1936, the Ravalli Canning Co., having appeared as claimant and having consented to the entry of a decree, judgment was entered ordering

that the product be released under bond upon payment of costs and the execution of a bond conditioned that it should not be disposed of in violation of the law, otherwise that it be forfeited and destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26664. Adulteration and misbranding of preserves and jam. U. S. v. 100 Cases of Assorted Preserves and Jam. Default decree of condemnation and destruction. (F. & D. no. 37700. Sample nos. 52783-B to 52788-B, incl.)

This case involved preserves and jam that contained added glucose. The preserves contained less fruit and more sugar than preserves should contain and, in some instances, added acid and excessive moisture.

On or about May 4, 1936, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 100 cases of assorted preserves and jam at Centralia, Ill., alleging that the articles had been transported in interstate commerce by the Goodale Puffer Grocery Co., in their own trucks from the premises of the Salomo Food Products Co., St. Louis, Mo., on or about January 11, 1936, and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled: "Lion Brand Pure Blackberry Preserves [or "Strawberry Preserves", "Raspberry Preserves", "Grape Jam", "Peach Preserves", or "Plum Preserves"] * * * Manufactured by Salomo Food Products Co. St. Louis, Mo."

The preserves were alleged to be adulterated in that sugar and glucose in the case of the blackberry and strawberry preserves; sugar, glucose, and water in the case of the raspberry preserves; and sugar, glucose, acid, and water in the case of the peach and plum preserves, had been mixed and packed with the articles so as to reduce and lower their quality; in that said mixtures, containing less fruit and more sugar than preserves should contain, had been substituted for preserves; and in that the articles had been mixed in a manner whereby inferiority was concealed.

The grape jam was alleged to be adulterated in that glucose had been mixed and packed therewith so as to reduce and lower its quality; in that a mixture of fruit, sugar, and glucose had been substituted for jam; and in that glucose had been mixed with the article in a manner whereby inferiority was concealed.

The articles were alleged to be misbranded in that the statements on the labels, "Pure Blackberry Preserves", "Pure Strawberry Preserves", "Pure Raspberry Preserves", "Pure Peach Preserves", "Pure Plum Preserves", and "Pure Grape Jam", were false and misleading and tended to deceive and mislead the purchaser when applied to products resembling preserves and jam, but which, in the case of the preserves, contained less fruit than preserves should contain, the deficiency in fruit being concealed by the addition of sugar and glucose and, in some instances, acid and water; and in the case of the jam, which contained added glucose.

On December 18, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the products be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26665. Adulteration of canned salmon. U. S. v. 9,521 Cases of Canned Salmon. Portion of product released unconditionally. Remainder condemned and ordered released under bond. (F. & D. no. 37731. Sample nos. 73486-B, 73509-B.)

This case involved a shipment of canned salmon a portion of which was found to be decomposed.

On or about May 12, 1936, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 9,521 cases of canned salmon at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about August 8 and August 21, 1935, by the Alaska-Pacific Salmon Co., from Kake, Alaska, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On December 30, 1936, the Alaska-Pacific Salmon Co., having appeared as claimant, judgment was entered finding that a part of the product was in compliance with the law and a part thereof was adulterated. The decree ordered that the part of the product which was not found to be adulterated

be released unconditionally and that the remainder, consisting of approximately 674 cases, be condemned and released under bond to be disposed of only in compliance with the law.

M. L. WILSON, *Acting Secretary of Agriculture.*

26666. Adulteration of dried currants. U. S. v. 7 Cases of Dried Currants. Default decree of condemnation and destruction. (F. & D. no. 37732. Sample no. 40740-B.)

This case involved dried currants that were insect-infested.

On May 12, 1936, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of seven cases of dried currants at Tacoma, Wash., alleging that the article had been shipped in interstate commerce on or about October 26, 1935, by the Otzen Packing Co., San Francisco, Calif., and charging adulteration in violation of the Food and Drugs Act.

The article was labeled in part: "Otzen's Imported Grecian Currants Packed by Otzen Packing Co. San Francisco, Calif."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On November 30, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26667. Adulteration of maple sugar. U. S. v. 110 Boxes of Maple Sugar. Decree of condemnation. Product released under bond to be disposed of for nonfood purposes. (F. & D. no. 37892. Sample no. 58225-B.)

This case involved maple sugar which contained excessive lead.

On July 17, 1936, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 110 boxes of maple sugar at Milwaukee, Wis., alleging that the article had been shipped in interstate commerce on or about June 22, 1936, by T. M. Duche & Sons, from St. Albans, Vt., and charging adulteration in violation of the Food and Drugs Act.

The article was labeled in part: "Pure Maple Sugar, T. M. Duche & Sons."

The article was alleged to be adulterated in that it contained an added poisonous or deleterious ingredient, lead, which might have rendered it injurious to health.

On December 23, 1936, the American Maple Products Corporation, having appeared as claimant and having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be denatured or, if not denatured, that it be delivered to a tobacco manufacturer to be used for nonfood purposes.

M. L. WILSON, *Acting Secretary of Agriculture.*

26668. Adulteration of dried peaches. U. S. v. Rosenberg Bros. & Co. Plea of guilty. Fine, \$200. (F. & D. no. 37935. Sample nos. 46205-B, 46434-B.)

This case involved shipments of dried peaches samples of which were found to be worm-infested, dirty, moldy, and decayed.

On August 18, 1936, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Rosenberg Bros. & Co., a corporation, San Francisco, Calif., alleging shipment by said company in violation of the Food and Drugs Act on or about October 14, 1935, from the State of California into the State of Virginia, and on or about December 6, 1935, from the State of California into the State of New York, of quantities of an article of food, dried peaches, which was adulterated. A portion of the article was labeled: "W. D. 487 Wilmington * * * California Peaches." The remainder was labeled: "Varsity Brand California Recleaned Fancy Peaches Cured Fruit Association of California San Francisco, Calif."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On November 7, 1936, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$200.

M. L. WILSON, *Acting Secretary of Agriculture.*

26669. Adulteration of tomato catsup. U. S. v. The Yoelin Bros. Merc. Co. Plea of nolo contendere. Fine, \$25. (F. & D. no. 87951. Sample no. 67913-B.)

This case involved a shipment of tomato catsup which contained excessive mold, also filth resulting from insect infestation.

On July 27, 1936, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Yoelin Bros. Merc. Co., a corporation, Denver, Colo., alleging shipment by said company in violation of the Food and Drugs Act, on or about October 21, 1935, from the State of Colorado into the State of Wyoming, of a quantity of tomato catsup which was adulterated. The article was labeled in part: "Your Best Brand Catsup Tomatoes, Packed for Yoelin Bros. Merc. Co."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On November 17, 1936, a plea of nolo contendere was entered on behalf of the defendant and the court imposed a fine of \$25.

M. L. WILSON, Acting Secretary of Agriculture.

26670. Adulteration of canned salmon. U. S. v. Uganik Fisheries, Inc. Plea of guilty. Fine, \$25 and costs. (F. & D. no. 87904. Sample nos. 54394-B, 65036-B, 65144-B, 66888-B, 73454-B.)

This case involved canned salmon that was in part decomposed.

On October 15, 1936, the United States attorney for the third division of the District of Alaska, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Uganik Fisheries, Inc., Seward, Alaska, alleging shipment by said company on or about August 24, 1935, from the Territory of Alaska into the State of Washington, of quantities of canned salmon that was adulterated.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On December 11, 1936, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$25 and costs.

M. L. WILSON, Acting Secretary of Agriculture.

26671. Misbranding of tomato juice. U. S. v. Walla Walla Canning Co. Plea of guilty. Fine, \$50. (F. & D. no. 87968. Sample nos. 53433-B, 53465-B.)

This case involved a shipment of canned tomato juice that was short in volume.

On September 12, 1936, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Walla Walla Canning Co., Walla Walla, Wash., alleging shipment by said company in violation of the Food and Drugs Act, on or about January 6, 1936, from the State of Washington into the State of Oregon of a quantity of canned tomato juice that was misbranded. The article was labeled in part: (Can) "Walla Walla Valley Brand * * * Tomato Juice Contents 3 Qts. 3 Fl. Ozs., Packed by Walla Walla Canning Co. Walla Walla, Washington."

The article was alleged to be misbranded in that the statement "Contents 3 Qts. 3 Fl. Ozs.," borne on the can label, was false and misleading and in that it was labeled so as to deceive and mislead the purchaser, since the cans did not contain 3 quarts and 3 fluid ounces of the article but did contain a less amount.

On December 2, 1936, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$50.

M. L. WILSON, Acting Secretary of Agriculture.

26672. Adulteration of powdered dried skim milk. U. S. v. Brookhaven Creamery, Inc. Plea of guilty. Fine, \$50. (F. & D. no. 87972. Sample no. 48805-B.)

This case involved a shipment of powdered dried skim milk that was filthy and decomposed.

On September 22, 1936, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Brookhaven Creamery, Inc., alleging shipment by said company in violation of the Food and Drugs Act on or about July 15, 1935, from the State of Mississippi into the State of Georgia

of a quantity of powdered dried skim milk that was adulterated. The article was labeled in part: "From Brookhaven Creamery Company, Inc., Brookhaven, Mississippi."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On November 3, 1936, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

26673. Adulteration of canned salmon. U. S. v. Hood Bay Canning Co. Plea of guilty. Fine, \$150 and costs. (F. & D. no. 37981. Sample no. 66842-B.)

This case involved a shipment of canned salmon which was in part decomposed.

On November 16, 1936, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Hood Bay Canning Co., a corporation, Seattle, Wash., alleging shipment by said company in violation of the Food and Drugs Act on or about August 19, 1935, from the Territory of Alaska into the State of Washington, of a quantity of canned salmon that was adulterated.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On December 7, 1936, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$150 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

26674. Adulteration of dried peaches. U. S. v. Balfour, Guthrie & Co., Ltd. Plea of nolo contendere. Fine, \$50. (F. & D. no. 37985. Sample no. 46282-B.)

This case involved a shipment of dried peaches, samples of which were found to be moldy and to contain filth resulting from worm and insect infestation.

On August 18, 1936, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Balfour, Guthrie & Co. Ltd., a corporation, trading at San Francisco, Calif., alleging shipment by said company in violation of the Food and Drugs Act on or about February 27, 1936, from the State of California into the State of Pennsylvania of a quantity of dried peaches that were adulterated. The article was labeled in part: "California Peaches Balfour, Guthrie & Co. Limited San Francisco California."

The article was alleged to be adulterated in that it consisted in part of filthy, decomposed, and putrid animal and vegetable substances, namely, animal excreta, dead worms, cocoons, mold, and dirt.

On November 6, 1936, a plea of nolo contendere was entered on behalf of the defendant and the court imposed a fine of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

26675. Adulteration of canned salmon. U. S. v. Pioneer Canneries, Inc. Plea of nolo contendere. Fine, \$12.50 and costs. (F. & D. no. 37988. Sample nos. 65175-B, 65176-B, 66837-B.)

This case involved a shipment of canned salmon that was in part decomposed.

On November 16, 1936, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Pioneer Canneries, Inc., Seattle, Wash., alleging shipment by said company in violation of the Food and Drugs Act on or about July 27, 1935, from the Territory of Alaska into the State of Washington of a quantity of canned salmon that was adulterated.

The article was alleged to be adulterated in that it consisted in part of a decomposed animal substance.

On December 14, 1936, a plea of nolo contendere was entered on behalf of the defendant and the court imposed a fine of \$12.50 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

26676. Adulteration and misbranding of tomato juice. U. S. v. Nelson Packing Co. Plea of guilty. Fine, \$70. (F. & D. no. 38016. Sample nos. 59141-B, 59167-B, 59190-B.)

This case involved interstate shipments of tomato juice which contained excessive mold and a part of which was short in volume.

On September 16, 1936, the United States attorney for the Western District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Nelson Packing Co., a corporation, Springdale, Ark., alleging shipment by said company in violation of the Food and Drugs Act as amended, between the dates of September 16 and November 19, 1935, from the State of Arkansas into the States of Oklahoma and Missouri of quantities of tomato juice that was adulterated and misbranded. A portion of the article was labeled: "First Pick Brand, Juice of Fancy Tomatoes * * * Packed for Carroll, Brough & Robinson, Oklahoma City, Okla." The remainder was labeled: "Nelson's Brand Tomato Juice, Contents 12½ Fl. Oz. Delicious, Refreshing, This Tomato Juice is Pure * * * Produced * * * By Nelson Packing Co., Inc., Springdale, Arkansas."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed vegetable substance.

The article was alleged to be misbranded in that the statement "Juice of Fancy Tomatoes" with respect to the First Pick brand and the statement "This Tomato Juice is Pure" with respect to the Nelson's brand, borne on the labels, were false and misleading and in that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since the former lot was not the juice of Fancy tomatoes but was juice made from moldy tomatoes and the latter lot was not pure tomato juice but a product which consisted in whole or in part of a decomposed vegetable substance. Misbranding was alleged with respect to a portion of Nelson's brand for the further reason that the statement "Contents 12½ Fl. Oz.", borne on the label, was false and misleading and in that it was labeled as aforesaid, so as to deceive and mislead the purchaser since the cans did not contain 12½ fluid ounces but did contain a less amount, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously stated on the outside of the package.

On December 29, 1936, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$70.

M. L. WILSON, Acting Secretary of Agriculture.

26677. Adulteration and misbranding of preserves and jams. U. S. v. Glaser, Crandell Co. Plea of guilty. Fine, \$50. (F. & D. no. 38028. Sample nos. 55417-B, 55418-B, 58101-B, 58103-B.)

This case involved alleged preserves and jams that contained less fruit and more sugar than preserves and jams should contain.

On October 30, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Glaser, Crandell Co., a corporation, Chicago, Ill., alleging shipment by said company in violation of the Food and Drugs Act, on or about February 22, 1935, from the State of Illinois into the State of Indiana of quantities of jams, and on or about March 25, 1936, from the State of Illinois into the State of Wisconsin of quantities of preserves that were adulterated and misbranded. The preserves were labeled in part: (Jar) "Everbest Preserves Peach [or "Strawberry"] * * * Glaser, Crandell Co., Chicago, U. S. A." The jams were labeled in part: "Mickey Mouse * * * Peach [or "Blackberry"] jam, Glaser, Crandell Co., Chicago."

The articles were alleged to be adulterated in that substances containing less fruit and more sugar than are contained in preserves and jams had been substituted wholly for peach preserves, strawberry preserves, peach jam, and blackberry jam, respectively, which the articles purported to be; in that sugar had been mixed and packed with said fruit in a proportion of sugar to fruit in excess of the proportion of sugar contained in preserves and jams, and that the quality of the articles had been reduced or lowered; in that the articles were inferior to preserves and jams and such inferiority was concealed by the mixing and packing of the said fruit with a proportion of sugar to fruit in excess of that contained in preserves and jams.

Misbranding was alleged in that the articles were imitations of preserves and jams and had been offered for sale under the distinctive names of other articles, namely, peach preserves, strawberry preserves, peach jam, and blackberry jam, respectively; in that there was borne on the label the statements "Preserves Peach", "Preserves Strawberry", "Peach Jam", and "Blackberry Jam"; that the said statements were false and misleading, since the articles were not preserves and jams and thereby were labeled so as to deceive and mislead the purchaser.

On November 20, 1936, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

26678. Adulteration and misbranding of coffee screenings. U. S. v. Alexander Moseley. Plea of guilty. Fine, \$50 and costs. (F. & D. no. 38031. Sample nos. 62357-B to 62366-B, incl., 68172-B.)

This case involved a product sold as coffee screenings that was found to consist in a large part of coffee chaff.

On October, 5, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Alexander Moseley, Chicago, Ill., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about January 7, 8, 10, 22, and 27 and February 1, 1936, from the State of Illinois into the State of Louisiana, and on or about February 8, 1936, from the State of Illinois into the State of Ohio, of quantities of coffee screenings that were adulterated and misbranded.

The article was alleged to be adulterated in that coffee chaff had been mixed and packed therewith so as to reduce and lower its quality and strength and had been substituted in whole or in part for coffee screenings, which the article purported to be.

The article was alleged to be misbranded in that the statement "Coffee Screenings", borne on the bags containing the article, was false and misleading and in that it was labeled so as to deceive and mislead the purchaser, since the said statement represented that the article was composed wholly of coffee screenings; whereas it was not composed wholly of coffee screenings but was composed in a large part of coffee chaff.

Misbranding was alleged for the further reason that the article consisted of a mixture composed in a large part of coffee chaff and was offered for sale under the distinctive name of an article, namely, coffee screenings.

On December 7, 1936, the defendant entered a plea of guilty and the court imposed a fine of \$50 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

26679. Adulteration of butter. U. S. v. Farmers' Marketing Association. Plea of guilty. Fine, \$10. (F. & D. no. 38068. Sample no. 7061-C.)

This case involved a shipment of butter that contained less than 80 percent of milk fat.

On November 24, 1936, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Farmer's Marketing Association, a corporation, at Columbus, Ind., alleging shipment by said company in violation of the Food and Drugs Act on or about July 25, 1936, from the State of Indiana into the State of Massachusetts of a quantity of butter which was adulterated.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat as prescribed by the act of March 4, 1923, which the article purported to be.

On December 11, 1936, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$10.

M. L. WILSON, *Acting Secretary of Agriculture.*

26680. Adulteration of cherries. U. S. v. 3 Crates and 20 Crates of Cherries. Default decrees of condemnation and destruction. (F. & D. nos. 38141, 38156. Sample nos. 5842-C, 5844-C.)

These cases involved cherries that were contaminated with arsenic and lead. On July 27, 1936, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the district

court libels praying seizure and condemnation of 23 crates of cherries at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about July 21 and July 22, 1936, by J. Nicol from South Haven, Mich., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts which might have rendered it injurious to health.

On October 2, 1936, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26681. Adulteration of crab meat. U. S. v. 1 Barrel of Crab Meat. Default decree of condemnation and destruction. (F. & D. no. 38151. Sample no. 7526-C.)

This case involved a shipment of crab meat that contained filth.

On August 19, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one barrel of crab meat at Chicago, Ill., alleging that the article had been shipped in interstate commerce by J. C. W. Tawes from Crisfield, Md., on or about August 10, 1936, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy animal substance.

On December 2, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26682. Adulteration of tomato catsup. U. S. v. 32 Cases of Tomato Catsup. Default decree of condemnation and destruction. (F. & D. nos. 38185, 38186. Sample no. 2750-C.)

This case involved tomato catsup that contained filth resulting from worm and insect infestation.

On August 18, 1936, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 32 cases of tomato catsup at Medford, Oreg., alleging that the article had been shipped in interstate commerce on or about April 24, 1934, by the A. M. Beebe Co., from San Francisco, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Ringer Brand Tomato Catsup packed by California Supply Co. San Francisco."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On November 6, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26683. Adulteration of apples. U. S. v. 23 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. no. 38214. Sample no. 5871-C.)

This case involved apples that were contaminated with arsenic and lead.

On July 31, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 23 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about July 26, 1936, by Rosenthal & Stockfish from Benton Harbor, Mich., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "J. L. Willmeng R-2 Watervliet, Mich. Duchess."

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts which might have rendered it injurious to health.

On October 2, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26684. Adulteration of apples. U. S. v. 50 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. no. 38248. Sample no. 14740-C.)

This case involved a shipment of apples that were contaminated with arsenic and lead.

On August 18, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 50 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about August 12, 1936, by Nemitz Bros., from Bridgman, Mich., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "J. L. Willmeng R-2 Watervliet, Mich. Duchess."

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts which might have rendered it injurious to health.

On November 20, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26685. Adulteration of cherries. U. S. v. 34 Crates of Cherries. Default decree of condemnation and destruction. (F. & D. no. 38251. Sample no. 14746-C.)

This case involved cherries that were contaminated with arsenic and lead.

On August 18, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 34 crates of cherries at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about August 12, 1936, by E. P. Johnson & Co., from Shelby, Mich., and charging adulteration in violation of the Food and Drugs Act. The article was labeled: "Dykman Emery E Gowell Shelby Mich."

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts which might have rendered it injurious to health.

On November 20, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26686. Adulteration of crab apples. U. S. v. 6 Bushels of Crab Apples. Default decree of condemnation and destruction. (F. & D. no. 38261. Sample no. 14761-C.)

This case involved a shipment of crab apples that were contaminated with arsenic and lead.

On August 21, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 6 bushels of crab apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about August 13, 1936, by Lewis Saretsky, from Benton Harbor, Mich., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts which might have rendered it injurious to health.

On November 20, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26687. Adulteration of crab apples. U. S. v. 15 Bushels of Crab Apples. Default decree of condemnation and destruction. (F. & D. no. 38282. Sample no. 14774-C.)

This case involved a shipment of crab apples that were contaminated with arsenic and lead.

On August 22, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 15 bushels of crab apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce by the Bangor Fruit Exchange, from Bangor, Mich., on or about August 16, 1936, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts which might have rendered it injurious to health.

On December 9, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26688. Adulteration of cherries. U. S. v. 46 Crates of Cherries. Default decree of condemnation and destruction. (F. & D. no. 38233. Sample no. 14787-C.)

This case involved cherries that were contaminated with arsenic and lead.

On August 27, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 46 crates of cherries at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about August 19, 1936, by the Northern Fruit Co., from Ludington, Mich., and charging adulteration in violation of the Food and Drugs Act. The article was labeled: "C. S. Hamilton Route No. 1 Ludington—Mich."

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts which might have rendered it injurious to health.

On December 2, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26689. Adulteration of pickles. U. S. v. 90 Jars and 54 Jars of Pickles. Default decree of condemnation and destruction. (F. & D. no. 38335. Sample nos. 4621-C, 4622-C.)

This case involved pickles that were found to be filthy.

On or about September 24, 1936, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 144 jars of pickles at Olathe, Kans., alleging that the article had been shipped in interstate commerce on or about July 31, 1936, by the Thies Pickle Co., from Pepin, Wis., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Sun Cured Brand * * * Pickles * * * Packed by Thies Pickle Co. Pepin, Wis."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On December 28, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26690. Adulteration of pears. U. S. v. 14 Bushels of Pears. Default decree of condemnation and destruction. (F. & D. no. 38379. Sample no. 14236-C.)

This case involved pears that were contaminated with arsenic and lead.

On September 11, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 14 bushels of pears at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about September 1, 1936, by Mrs. H. Greer, from Benton Harbor, Mich., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts which might have rendered it injurious to health.

On November 20, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26691. Adulteration of canned salmon. U. S. v. 2,568 Cases and 220 Cases of Canned Salmon. Consent decree of condemnation. Product released under bond for segregation and destruction of decomposed portion. (F. & D. nos. 38387, 38468. Sample nos. 22088-C, 22104-C, 23618-C, 23723-C.)

These cases involved canned salmon that was in part decomposed.

On October 6 and October 27, 1936, the United States attorney for the Western District of Washington, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 2,788 cases of canned salmon at Seattle, Wash., alleging that the article had been shipped in interstate commerce by the Western Pacific Salmon Co., in part on or about August 15, 1936, from Ketchikan, Alaska, and in part on or about

August 23, 1936, from Egegik, Alaska, and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled: "Queen of the Pacific Brand Red Alaska Sockeye Salmon, Kelley-Clarke Co., Seattle Distributors." The remainder was unlabeled.

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On December 17, 1936, the Western Pacific Packing Co., claimant, having admitted the allegations of the libels and having consented to the entry of a decree, a consolidated judgment was entered condemning the product and ordering that it be released under bond, conditioned that the cans containing decomposed salmon be destroyed and that the cans containing good salmon be reprocessed and so labeled.

M. L. WILSON, *Acting Secretary of Agriculture.*

26692. Adulteration of cherries. U. S. v. 5 Crates of Cherries. Default decree of condemnation and destruction. (F. & D. no. 38391. Sample no. 6325-C.)

This case involved cherries that were contaminated with lead and arsenic.

On July 24, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of five crates of cherries at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about July 18, 1936, by A. L. Shaffton & Co., from Stevens Point, Wis., and charging adulteration in violation of the Food and Drugs Act. The article was labeled: "From George Wagner Ludington, Mich."

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts which might have rendered it injurious to health.

On October 2, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26693. Adulteration of apples. U. S. v. 17 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. no. 38393. Sample no. 14263-C.)

This case involved a shipment of apples that were contaminated with arsenic and lead.

On September 14, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 17 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce by William Hamlin from Glenn, Mich., on or about September 7, 1936, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts which might have rendered it injurious to health.

On December 4, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26694. Adulteration of apples. U. S. v. 56 Bushels and 61 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. no. 38394. Sample nos. 14282-C, 14284-C.)

This case involved a shipment of apples that were contaminated with arsenic and lead.

On September 17, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 117 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about September 4 and September 8, 1936, by W. Klein from Bloomington, Mich., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts which might have rendered it injurious to health.

On November 20, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26695. Adulteration of Seckel pears. U. S. v. 31 Bushels of Seckel Pears. Default decree of condemnation and destruction. (F. & D. no. 38396. Sample no. 14237-C.)

This case involved Seckel pears which were contaminated with arsenic and lead.

On September 11, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 31 bushels of Seckel pears at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about September 1, 1936, by Arlie Overhiser from South Haven, Mich., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts which might have rendered it injurious to health.

On November 20, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26696. Adulteration of apples. U. S. v. 63 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. no. 38402. Sample nos. 14006-C, 14024-C.)

This case involved a shipment of apples that were contaminated with arsenic and lead.

On September 19, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 63 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about September 14, 1936, by Glenn Marr from Breedsville, Mich., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts which might have rendered it injurious to health.

On December 4, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26697. Adulteration of apples. U. S. v. 21 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. no. 38403. Sample no. 14296-C.)

This case involved a shipment of apples that were contaminated with arsenic and lead.

On September 19, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 21 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce by J. M. Pratt, from Eau Claire, Mich., on or about September 14, 1936, and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts which might have rendered it injurious to health.

On December 2, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26698. Adulteration of apples. U. S. v. 80 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. no. 38410. Sample no. 14039-C.)

This case involved a shipment of apples that were contaminated with arsenic and lead.

On September 25, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 80 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about September 16, 1936, by the Shafton Produce Co., from Benton Harbor, Mich., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Frank Geisler R 1 Watervliet, Mich. McIntosh."

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts which might have rendered it injurious to health.

On December 4, 1933, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26699. Adulteration of apples. U. S. v. 21 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. no. 38429. Sample no. 12479-C.)

This case involved apples that were contaminated with lead and arsenic.

On or about October 6, 1936, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 21 bushels of apples at Evansville, Ind., alleging that the article had been shipped in interstate commerce on or about September 12, 1936, by the Kentucky Cardinal Orchard from Henderson, Ky., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, which might have rendered it injurious to health.

On December 17, 1933, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26700. Adulteration of butter. U. S. v. 18 Tubs of Butter. Default decree of condemnation and destruction. (F. & D. no. 38432. Sample no. 6400-C.)

This case involved a shipment of butter that contained less than 80 percent by weight of milk fat.

On October 3, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 18 tubs of butter at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about July 24, 1936, by the Mandan Creamery & Produce Co., from Mandan, N. Dak., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat, as provided for by the act of March 4, 1923.

On December 4, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26701. Misbranding of vanilla flavor. U. S. v. 39, 52, and 59 Bottles of Vanilla Flavor. Default decree of condemnation and destruction. (F. & D. no. 38440. Sample no. 18257-C.)

This case involved imitation vanilla flavor which was not labeled plainly to inform purchasers of its true nature.

On October 21, 1936, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of thirty-nine 8-ounce bottles, fifty-two 4-ounce bottles, and fifty-nine 2-ounce bottles of vanilla flavor at Washington, Pa., alleging that the article had been shipped in interstate commerce on or about June 23, 1936, by C. H. Griest from Wheeling, W. Va., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Ecco Brand Vanilla Flavor Artificial * * * Distributed by Earle Chemical Co., Wheeling, W. Va."

The article was alleged to be misbranded in that the statement "Vanilla Flavor" and the device of qualifying this prominent name with the word "Artificial" in very much smaller type, were false and misleading and deceived and misled the purchaser since the word "Artificial" in comparison with the outstanding designation "Vanilla Flavor" did not plainly reveal the true nature of the article and the average purchaser would expect to receive real vanilla flavor.

On December 28, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26702. Adulteration of Seckel pears. U. S. v. 8 Bushels of Seckel Pears. Default decree of condemnation and destruction. (F. & D. no. 38456. Sample no. 14047-C.)

This case involved pears which were contaminated with arsenic and lead. On September 25, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 8 bushels of Seckel pears at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about September 16, 1936, by Abe Rafelson from Benton Harbor, Mich., and charging adulteration in violation of the Food and Drugs Act. The article was labeled: "D. M. Hamilton R-5 Benton Harbor, Mich."

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts which might have rendered it injurious to health.

On December 4, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26703. Adulteration of tomato paste. U. S. v. 178 Cases of Tomato Paste. Consent decree of condemnation. Product released under bond. (F. & D. no. 38457. Sample no. 25202-C.)

This case involved a shipment of tomato paste that contained excessive mold.

On October 10, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 178 cases of tomato paste at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about September 10, 1936, by the Brocton Preserving Co., from Fredonia, N. Y., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Hollebs Supreme Italian Style Tomato Paste * * * Distributed by Holleb and Company, Chicago, Illinois."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On November 17, 1936, the Brocton Preserving Co., Inc., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation was entered and it was ordered by the court that the product be released under bond, conditioned that the unfit portion be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26704. Adulteration of canned shrimp. U. S. v. 12 Cases of Canned Shrimp. Default decree of condemnation and destruction. (F. & D. no. 38478. Sample nos. 15833-C, 15834-C.)

This case involved canned shrimp that was in part decomposed.

On November 4, 1936, the United States attorney for the Western District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 12 cases of canned shrimp at Charlotte, N. C., alleging that the article had been shipped in interstate commerce on or about August 11, 1936, by the Deer Island Fish & Oyster Co., from Bayou LaBatre, Ala., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Gulf's Best Brand Fancy Medium Shrimp * * * Packed by Deer Island Fish & Oyster Co. Bayou LaBatre Ala. Biloxi, Miss."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On December 31, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26705. Adulteration of canned salmon. U. S. v. 69 Cases of Canned Salmon. Default decree entered. Portions of product condemned and destroyed; remainder adjudged not adulterated and delivered to charitable institution. F. & D. no. 38480. Sample nos. 4669-C, 4670-C.)

This case involved canned salmon that was in part decomposed.

On or about November 9, 1936, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 69 cases

of canned salmon at Oklahoma City, Okla., alleging that the article had been shipped in interstate commerce on or about August 25, 1936, by Whitney & Co., from Seattle, Wash., and charging adulteration in violation of the Food and Drugs Act. The salmon had been packed by the Alaska Year Round Canneries, of Seldovia, Alaska. A part was labeled: "Quail Brand Sockeye Red Salmon." The remainder was labeled: "Volunteer Fancy Red Alaska Sockeye Salmon."

The article was alleged to be adulterated in that it consisted wholly or in part of a decomposed animal substance.

On December 8, 1936, no claimant having appeared, judgment of condemnation and destruction was entered. On January 20, 1937, supplemental judgment was entered finding that a part of the product was not decomposed and was fit for human consumption and ordering that such part be delivered to a charitable organization, and that the decomposed part be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26706. Adulteration of apples. U. S. v. 18 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. no. 38488. Sample no. 25161-C.)

This case involved a shipment of apples that were contaminated with arsenic and lead.

On October 10, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 18 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about October 4, 1936, by Wilensky & Lash from Benton Harbor, Mich., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Wm. Britton Watervliet, Mich. R. 3 Delicious."

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts which might have rendered it injurious to health.

On December 4, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26707. Adulteration of apples. U. S. v. 51 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. no. 38489. Sample no. 25188-C.)

This case involved apples that were contaminated with arsenic and lead.

On October 13, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 51 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about October 6, 1936, by the Cherry Hill Transit from Benton Harbor, Mich., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Reuben Wendzel Coloma, Mich."

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts which might have rendered it injurious to health.

On December 4, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26708. Adulteration of apples. U. S. v. 111 Crates of Apples. Default decree of condemnation and destruction. (F. & D. no. 38491. Sample nos. 14080-C, 14081-C.)

This case involved a shipment of apples that were contaminated with arsenic and lead:

On September 28, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 111 crates of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about September 21, 1936, by Borkon & Co., from South Haven, Mich., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts which might have rendered it injurious to health.

On December 4, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the apples be destroyed and the crates turned over to the consignee.

M. L. WILSON, *Acting Secretary of Agriculture.*

26709. Adulteration of crab apples. U. S. v. 6 Bushels of Crab Apples. Default decree of condemnation and destruction. (F. & D. no. 38493. Sample no. 14294-C.)

This case involved a shipment of crab apples that were contaminated with arsenic and lead.

On September 19, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 6 bushels of crab apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about September 13, 1936, by Henry Hauck from Benton Harbor, Mich., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts which might have rendered it injurious to health.

On December 4, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26710. Adulteration and misbranding of coffee. U. S. v. Six 25-Pound Bags and Two 50-Pound Bags of Coffee. Default decree of condemnation. Product delivered to charitable organization. (F. & D. no. 38502. Sample no. 15837-C.)

This case involved alleged coffee that was found to consist of a mixture of coffee, cereal, and chicory.

On November 6, 1936, the United States attorney for the Western District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of six 25-pound bags and two 50-pound bags of coffee at Charlotte, N. C., alleging that the article had been shipped in interstate commerce on or about September 11, 1936, by the Interstate Coffee Co., from Augusta, Ga., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Stencil on bags) "Rio Fresh Roasted Ground Coffee Packed for Johnston Bros. Charlotte, N. C."

The article was alleged to be adulterated in that a mixture of coffee, cereal, and chicory had been substituted for coffee, which the article purported to be.

The article was alleged to be misbranded in that the statement "Rio Fresh Roasted Ground Coffee" was false and misleading and tended to deceive and mislead the purchaser when applied to a mixture of coffee, cereal, and chicory; and in that it was offered for sale under the distinctive name of another article, namely, coffee.

On January 4, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be delivered to a charitable organization.

M. L. WILSON, *Acting Secretary of Agriculture.*

26711. Adulteration of apples. U. S. v. 34 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. no. 38506. Sample no. 14916-C.)

This case involved apples that were contaminated with arsenic and lead.

On October 15, 1936, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 34 bushels of apples at Milwaukee, Wis., alleging that the article had been transported in interstate commerce on or about October 11, 1936, from Benton Harbor, Mich., by A. Recht & Sons, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Wm. Britton Watervliet, Mich."

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it harmful to health.

On December 15, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26712. Adulteration of apples. U. S. v. 22 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. no. 38507. Sample no. 25173-C.)

This case involved a shipment of apples that were contaminated with arsenic and lead.

On October 13, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 22 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about October 5, 1936, by Baroda Farmers Exchange from Baroda, Mich., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Wm. Britton Watervliet Mich. R 3 Delicious."

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts which might have rendered it injurious to health.

On December 4, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26713. Adulteration of canned salmon. U. S. v. 273, 1,000, 3,000, and 1,000 Cases of Canned Salmon. Decrees of condemnation. Product released under bond for segregation and destruction of decomposed portion. (F. & D. nos. 38496, 38512, 38513, 38514. Sample nos. 11663-C, 17111-C.)

These cases involved canned salmon that was in part decomposed.

On or about November 4, November 6, and November 10, 1936, the United States attorneys for the Districts of Connecticut, Massachusetts, and Rhode Island, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 273 cases of canned salmon at Bridgeport, Conn., 1,000 cases at East Hartford, Conn., 3,000 cases at Somerville, Mass., and 1,000 cases at Providence R. I., alleging that the article had been shipped in interstate commerce in part on or about September 18, 1936, and in part on or about September 21, 1936, by the Kelley-Clarke Co., from Seattle, Wash., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Queen of the Pacific Brand Red Alaska Salmon * * * Kelley-Clarke Co. Seattle Distributors."

The article was alleged to be adulterated in that it consisted in whole or in part of a decomposed animal substance.

On December 4, December 11, 1936, and January 7, 1937, the Western Pacific Packing Co., Seattle, Wash., claimant, having admitted the allegations of the libels as to adulteration of a part of the product, judgments of condemnation were entered and it was ordered that the product be released under bond, conditioned that the cans containing decomposed salmon be separated therefrom and destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26714. Adulteration of tomato catsup. U. S. v. 330 Cases and 69 Cases of Tomato Catsup. Default decrees of condemnation and destruction. (F. & D. nos. 38531, 38933. Sample nos. 12520-C, 12821-C, 12827-C.)

These cases involved tomato catsup that contained filth resulting from worm infestation.

On November 12, 1936, and January 9, 1937, the United States attorneys for the Southern District of Ohio and the Northern District of Ohio, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 330 cases of tomato catsup at Cincinnati, Ohio, and 69 cases of tomato catsup at Cleveland, Ohio, alleging that the article had been shipped in interstate commerce by the Lippincott Co., from Boonville, Ind. (consigned on or about October 16 and November 18, 1936), and charging adulteration in violation of the Food and Drugs Act. The article was labeled: "Lippincott Extra Fancy [or "Clovernook Brand"] Tomato Catsup * * * The Lippincott Co. Cincinnati, Ohio."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy vegetable substance.

On December 18, 1936, and February 10, 1937, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26715. Adulteration of apples. U. S. v. 60 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. no. 38535. Sample no. 25476-C.)

This case involved apples that were contaminated with lead and arsenic.

On October 26, 1936, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the

district court a libel praying seizure and condemnation of 60 bushels of apples at Shelbyville, Ind., alleging that the article had been shipped in interstate commerce on or about October 21, 1936, by August Swope from Sodus, Mich., and charging adulteration in violation of the Food and Drugs Act.

The apples were alleged to be adulterated in that they contained added poisonous and deleterious ingredients, arsenic and lead, which might have rendered their use harmful.

On December 31, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26716. Adulteration of apples. U. S. v. 60 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. no. 38545. Sample no. 26213-C.)

This case involved a shipment of apples that were contaminated with arsenic and lead.

On October 27, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 60 bushels of apples at Joliet, Ill., alleging that the article had been shipped in interstate commerce on or about October 19, 1936, by Joseph Pasdertz, from Albion, Mich., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts which might have rendered it injurious to health.

On December 22, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26717. Adulteration of apples and pears. U. S. v. 30 Crates of Apples and 47 Bushels of Pears. Consent decrees of condemnation and destruction. (F. & D. nos. 38546, 38548. Sample nos. 26224-C, 26225-C.)

These cases involved apples and pears that were contaminated with arsenic and lead.

On October 27, 1936, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 30 crates of apples and 47 bushels of pears at Chicago, Ill., alleging that the articles had been shipped in interstate commerce on or about October 21, 1936, by John Maul from Benton Harbor, Mich., and charging adulteration in violation of the Food and Drugs Act.

The articles were alleged to be adulterated in that they contained added poisonous and deleterious ingredients, arsenic and lead, in amounts which might have rendered them injurious to health.

On November 17, 1936, John Maul, Chicago, Ill., the sole intervenor, having consented to the entry of decrees, judgments of condemnation were entered and it was ordered that the products be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26718. Adulteration of pears. U. S. v. 20 Bushels of Pears. Default decree of condemnation and destruction. (F. & D. no. 38547. Sample no. 15216-C.)

This case involved pears that were contaminated with arsenic and lead.

On October 8, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 20 bushels of pears at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about October 1, 1936, by E. M. Aylward from Benton Harbor, Mich., and charging adulteration in violation of the Food and Drugs Act. The article was labeled: "Charles Namor R-1 Benton Harbor, Mich."

The article was alleged to be adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts which might have rendered it injurious to health.

On December 4, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26719. Adulteration of apples. U. S. v. 22 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. no. 38574. Sample no. 25631-C.)

This case involved apples that were contaminated with arsenic and lead.

On October 17, 1936, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 22 bushels of apples at Hammond, Ind., alleging that the article had been shipped in interstate commerce on or about October 14, 1936, by the Hammond Fruit Co., of Hammond, Ind., from Benton Harbor, Mich., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Washed Apples Packed by Ruell & Biedenkopf * * * Lacota, Michigan."

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it injurious to health.

On December 8, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26720. Adulteration of apples. U. S. v. 756 Boxes of Apples. Decree of condemnation. Product released under bond conditioned that deleterious substances be removed. (F. & D. no. 38577. Sample no. 30307-C.)

This case involved apples that were contaminated with arsenic and lead.

On November 9, 1936, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 756 boxes of apples at Kansas City, Mo., alleging that the article had been shipped in interstate commerce on or about October 29, 1936, by the Stadelman Fruit Co., from Odell, Oreg., and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it injurious to health.

On November 10, 1936, the Grovier-Starr Distributing Co., Kansas City, Mo., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the apples be released under bond conditioned that the deleterious substances be removed therefrom.

M. L. WILSON, *Acting Secretary of Agriculture.*

26721. Adulteration of apples. U. S. v. 140 Bushels of Apples. Default decree of condemnation and destruction. (F. & D. no. 38578. Sample no. 25987-C.)

This case involved apples that were contaminated with arsenic and lead.

On or about November 13, 1936, the United States attorney for the Western District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 140 bushels of apples located near Neosho, Mo., in possession of Milton Foster, alleging that the article had been shipped from Bangor, Mich., on or about November 5, 1936, and charging adulteration in violation of the Food and Drugs Act. The product had been transported in interstate commerce by Milton Foster in his own truck.

The article was alleged to be adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it injurious to health.

On January 5, 1937, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26722. Adulteration of butter. U. S. v. Alfred Woodson McAlpine (Western Dairy Products Co.). Plea of guilty. Fine, \$50. (F. & D. no. 38585. Sample no. 56221-B.)

This case involved butter that contained less than 80 percent by weight of milk fat.

On December 15, 1936, the United States attorney for the Eastern District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Alfred Woodson McAlpine, trading as Western Dairy Products Co., McAlester, Okla., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about May 2, 1936,

from the State of Oklahoma into the State of Illinois of a quantity of butter which was adulterated.

The article was alleged to be adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent by weight of milk fat as prescribed by the act of March 4, 1923, which the article purported to be.

On December 17, 1936, the defendant entered a plea of guilty and the court imposed a fine of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

26723. Adulteration and misbranding of butter. U. S. v. 1 Can of Butter. Default decree of condemnation and destruction. (F. & D. no. 38700. Sample no. 12524-C.)

This case involved butter which was deficient in milk fat and which contained filth.

On November 13, 1936, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of one can of butter at Cincinnati, Ohio, alleging that the article had been shipped in interstate commerce by C. P. Gevedon, from Panama, Ky. (consigned about November 10, 1936), and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product deficient in milk fat, since it contained less than 80 percent by weight of milk fat, had been substituted for butter, a product which should contain not less than 80 percent of milk fat as prescribed by the act of March 4, 1923; and in that it consisted in whole or in part of a filthy, decomposed, or putrid animal or vegetable substance.

The article was alleged to be misbranded in that it was sold and purported to be butter, whereas it should contain not less than 80 percent by weight of milk fat as prescribed by law.

On December 18, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

26724. Misbranding of canned salmon. U. S. v. 600 Cartons of Canned Salmon. Product released under bond to be relabeled. (F. & D. no. 38713. Sample no. 21478-C.)

This case involved canned salmon that was labeled "Pink Salmon", but a part of which consisted of chum salmon.

On November 25, 1936, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 600 cartons of canned salmon at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about September 12, 1936, by Wesco Foods, Inc., from Seattle, Wash., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "North Bay Brand Pink Salmon * * * Distributed by Wesco Foods Company General Offices, Cincinnati, Ohio."

The libel alleged that a part of the product was misbranded in that the statement "Pink Salmon", borne on the label, was false and misleading and tended to deceive and mislead the purchaser when applied to a product which was not pink salmon but which was chum salmon.

On December 23, 1936, the Kroger Grocery & Baking Co., St. Louis, Mo., having appeared as claimant, judgment was entered, finding that a part of the product identified by a certain code mark was mislabeled, and ordering that said mislabeled portion be separated from the remainder and relabeled in conformity with the law.

M. L. WILSON, *Acting Secretary of Agriculture.*

26725. Misbranding of alfalfa meal. U. S. v. 228 Bags of Alfalfa Meal. Decree of condemnation. Product released under bond to be relabeled. (F. & D. no. 38717. Sample no. 2603-C.)

This case involved alfalfa meal that contained less protein and fat and more fiber than declared on the label.

On November 27, 1936, the United States attorney for the Western District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 228 bags of alfalfa meal at Black River Falls, Wis., alleging that the article had been shipped in interstate commerce on or about August 26, 1936, by the Pecos Valley Alfalfa Mill Co., from Rupert, Idaho, and charging misbranding in violation of the Food and Drugs Act.

The article was alleged to be misbranded in that it was labeled as follows: "Pecos Special Alfalfa Meal 100 Lbs. Net Made by The Pecos Valley Alfalfa Mill Company Hagerman, New Mexico Guaranteed Analysis Protein 13.0 Per Cent Fat 1.5 Per Cent Nitro. Free Extract Carbohydrates 36.0 Per Cent, Fibre 33.0 Per cent Made from Alfalfa Hay", which label was false and misleading and misled purchasers since the article contained less protein, less fat, and more fiber than stated on the label.

On December 21, 1936, the Pecos Valley Alfalfa Mill Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and it was ordered that the product be released under bond, conditioned that it be relabeled under the supervision of this Department.

M. L. WILSON, *Acting Secretary of Agriculture.*

INDEX TO NOTICES OF JUDGMENT

Alfalfa meal. *See* Feed.
 Apple butter. *See* Preserves, jams,
 and jellies.
 Apples:

	N. J. no.
Baroda Farmers Exchange	26712
Benson, J. M.	26614
Borkon & Co.	26708
Britton, Wm.	26706, 26711
Cherry Hill Transit	26707
Duckwall Bros., Inc.	26643
Foster, Milton	26721
Franklin, Walt	26620
Geisler, Frank	26698
Hamlin, William	26693
Hammond Fruit Co.	26719
Kentucky Cardinal Orchard	26699
Kimbel, C. E.	26621
Klein, W.	26694
Lomond, Ben, Orchard Co.	26646
Marr, Glenn	26696
Maul, John	26717
Nemitz Bros.	26684
Pasdertz, Joseph	26716
Pratt, J. M.	26697
Recht, A. & Sons.	26711
Rosenthal & Stockfish	26683
Ruell & Biedenkopf	26719
Russell, J. B.	26618
Shafton Produce Co.	26698
Silverfarb, Harry T., Co., Inc.	26595
Spinato, Angelo	26632
Stadelman Fruit Co.	26720
Swope, August	26715
Wendzel, Reuben	26707
Wilensky & Lash	26706
Willmeng, J. L.	26683, 26684

crab:

Bangor Fruit Exchange	26687
Hauck, Henry	26709
Saretsky, Lewis	26686

Asparagus, canned:

Ball, F. M., & Co.	26548
--------------------	-------

Bakery products—

Devon Bakeries, Inc.	26532
----------------------	-------

crackers:

Greer's Golden Cookies	26640
------------------------	-------

Beverages and beverage bases—

lemon crystals:

Molded Products Co.	26549
---------------------	-------

lime crystals:

Molded Products Co.	26549
---------------------	-------

malted milk, chocolate-flavored:

Manhattan Pure Foods, Inc.	26567
----------------------------	-------

Scientific Food Products Co., Inc.	26567
------------------------------------	-------

orange crystals:

Molded Products Co.	26549
---------------------	-------

tomato juice:

Carroll, Brough & Robinson	26676
----------------------------	-------

Nelson Packing Co., Inc.	26676
--------------------------	-------

Walla Walla Canning Co.	26671
-------------------------	-------

Blueberries:

Albee, Maynard	26601
----------------	-------

Bahrenberg, E.	26594
----------------	-------

Burba, Mary	26578
-------------	-------

Dougherty, H. J.	26573
------------------	-------

Kaneski, J. A.	26580
----------------	-------

Kearns, G. J.	26582
---------------	-------

Kostick Bros.	26572
---------------	-------

Kurt Bros.	26587
------------	-------

Miller, Mrs. M.	26579
-----------------	-------

Morand, P. P.	26582
---------------	-------

Nuttle, E. E., & Son	26564
----------------------	-------

Roberts, S. M.	26581
----------------	-------

Robinson, W. C.	26607
-----------------	-------

Blueberries—Continued.

N.J.no.

Saltain, J. E.	26583
----------------	-------

Shimko, John	26570
--------------	-------

Smith, Frank	26569
--------------	-------

Sunday, Peter	26584
---------------	-------

Tomasello, Ollie	26571
------------------	-------

Williamson, O. G.	26565
-------------------	-------

See also Huckleberries.

Butter. *See* Dairy products.

Canapé wafers. *See* Bakery products.

Cheese. *See* Dairy products.

Cherries:

Gowell, E. E.	26685
---------------	-------

Hamilton, C. S.	26688
-----------------	-------

Johnson, E. P., & Co.	26685
-----------------------	-------

Mason County Cooperative As-	26577
------------------------------	-------

sociation	26596
-----------	-------

McClatchie, Levi	26612
------------------	-------

Miller, M. W., & Co.	26680
----------------------	-------

Nicol, J.	26688
-----------	-------

Northern Fruit Co.	26692
--------------------	-------

Shafton, A. L., & Co.	26692
-----------------------	-------

Wagner, George	26597
----------------	-------

Woodward, C.	26663
--------------	-------

canned:

Ravalli Canning Co.	26590
---------------------	-------

Chocolate coating:

Boldemann Chocolate Co.	26590
-------------------------	-------

Chubs. *See* Fish.

Ciscoes. *See* Fish.

Coffee:

Interstate Coffee Co.	26710
-----------------------	-------

Johnston Bros.	26710
----------------	-------

screenings:

Moseley, Alexander	26678
--------------------	-------

Cottonseed products. *See* Feed.

Crab apples. *See* Apples, crab.

meat. *See* Shellfish.

Crackers. *See* Bakery products.

Cream. *See* Dairy products.

Currants:

Johnson, E. P., Co.	26559
---------------------	-------

Northern Fruit Co.	26560
--------------------	-------

Rodowske, Carl	26558
----------------	-------

Rosenthal & Stockfish	26557
-----------------------	-------

dried:

Otzen Packing Co.	26666
-------------------	-------

Dairy products—

butter:

Americus Ice Cream & Cream-	26657
-----------------------------	-------

ery Co.	26589
---------	-------

Anderson Creamery Co.	26535
-----------------------	-------

Armour Creameries	26588
-------------------	-------

Bottineau Cooperative Cream-	26554
------------------------------	-------

ery Association	26554
-----------------	-------

Cohen, Charles	26563, 26679
----------------	--------------

Cohen, William	26588
----------------	-------

Farmers' Marketing Associa-	26588
-----------------------------	-------

tion	26554
------	-------

Farmers Union Cooperative	26535
---------------------------	-------

Creamery Association	26648
----------------------	-------

Fishbach & Stanford, Inc.	26723
---------------------------	-------

Fort Worth Poultry & Egg Co.	26589
------------------------------	-------

Garman, L. W.	26588
---------------	-------

Gevedon, C. P.	26637
----------------	-------

Glen Ullin Creamery	26588
---------------------	-------

Granville Cooperative Cream-	26637
------------------------------	-------

ery	26648
-----	-------

Haden, T. P.	26602
--------------	-------

Holcomb, S. G.	26634
----------------	-------

Holland Creamery Co.	26639
----------------------	-------

Hunt, W. B.	26563
-------------	-------

Hurt & Co.	26554
------------	-------

Independent Creamery	
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Jacobs, Joseph	
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¹ Contains instructions to the jury.

Dairy products—Continued.		N.J.no.	Fish—Continued.		N.J.no.
Johannes, W. A.	-----	26648	Scott, G. A.	-----	26624
Johnson Stores Co.	-----	26575	Scott, Mrs. G. A.	-----	26624
Land O'Lakes Creameries, Inc.	-----	26588	Scotty Packing Co.	-----	26624
Linwood Creamery Co.	-----	26591	Scoville, Brown & Co.	-----	26550
Lost River Dairy, Inc.	-----	26531	Snug Harbor Packing Co.	-----	26617
Mandan Creamery & Produce Co.	-----	26631, 26700	Uganik Fisheries, Inc.	-----	26670
McAlpine, A. W.	-----	26722	Wesco Foods Co.	-----	26724
Modern Butter & Egg Corporation	-----	26554	Wesco Foods, Inc.	-----	26724
Most Cooperative Creamery Association	-----	26622	Western Pacific Salmon Co.	-----	26691
New England Creamery	-----	26589	Whitney & Co.	-----	26705
Northern Creamery Co.	-----	26537	sardines, canned:		
Ould, W. L.	-----	26636	Coehlo Bros.	-----	26598
Park, N. J.	-----	26628	tuna, canned:		
Pearsons Store	-----	26648	Coast Fishing Co.	-----	26528
Pioneer Creamery Co.	-----	26562	Downing, Taylor Co.	-----	26531
Reece, H. W.	-----	26648	Franco-Italian Packing Co., Inc.	-----	26531
Reid, W. E., & Co.	-----	26648	Van Camp Sea Food Co., Inc.	-----	26651
Rosemary Creamery, Inc.	-----	26536	White Star Canning Co.	-----	26651
Sherwood Creamery Association	-----	26588	whitefish:		
Smithys Store	-----	26648	McInnes Products Co.	-----	26627
Steensland Produce Co.	-----	26641	Flavors, household—		
Vannoy, L. S.	-----	26648	vanilla:		
Western Dairy Products Co.	-----	26722	Earle Chemical Co.	-----	26701
Williams & Evans	-----	26638	Griest, C. H.	-----	26701
Wilson, I. B.	-----	26657	Fruit crystals. See Beverages and beverage bases, lemon, lime, and orange.		
cheese:			Herring. See Fish.		
Corticelli & Gaybrant	-----	26526	Honey:		
Gaybrant, Frank	-----	26526	Rogers, L. E.	-----	26533
Sunrise Dairy Products, Inc.	-----	26534	Huckleberries:		
cream:			Bohard, M., & Son	-----	26556
Bohlen, Jane	-----	26605	Grossinger, A.	-----	26574
Bowser Sales & Trading Corporation	-----	26605, 26606	Murphy, J. A.	-----	26553
Fritsche, C. R.	-----	26606	Urban, J. F.	-----	26555
Helpman, Harry	-----	26605	See also Blueberries.		
milk, powdered:			Jam. See Preserves, jams, and jellies.		
Brookhaven Creamery, Inc.	-----	26672	Jelly. See Preserves, jams, and jellies.		
Feed—			Mackerel. See Fish.		
alfalfa meal:			Malted milk. See Beverages and beverage bases.		
Pecos Valley Alfalfa Mill Co.	-----	26725	Marmalade. See Preserves, jams, and jellies.		
Small, W. J., Hay & Grain Co.	-----	26615	Meat loaf binder:		
cottonseed products:			Ettlinger Casing & Supply Co.	-----	26628 ✓
Interstate Feed Co.	-----	26538	Milk, powdered. See Dairy products.		
Southland Cotton Oil Co.	-----	26538	Oil, vegetable, edible:		
Fish—			Arte Products, Inc.	-----	26542
chubs:			Aurora Importing Co.	-----	26545
Canada Fish Distributors, Ltd.	-----	26593	Buonocore, Vincent, Inc.	-----	26545
ciscoes:			Cosmos Food, Inc.	-----	26659
Main Fish Co., Ltd.	-----	26635	DeLuca Olive Oil Co., Inc.	-----	26661
herring:			Embros Import Co.	-----	26543
Neville Sons, Ltd.	-----	26619	Italo-American Importing Co.	-----	26661
mackerel:			Moscabades Bros.	-----	26543
Neville Sons, Ltd.	-----	26619	Spinelli, Michele	-----	26545
salmon, canned:			Zedros, John	-----	26659
Alaska-Pacific Salmon Co.	-----	26665	Olive oil. See Oil, vegetable, edible.		
Alaska Packers Association	-----	26609	Oysters. See Shellfish.		
Alaska Red Salmon Packers Co.	-----	26604	Peaches:		
Alaska Salmon Packing Co.	-----	26530	Layton & Owens	-----	26585
Alaska Year Round Canneries Co.	-----	26642, 26705	Spence, John	-----	26536
Bank of Alaska	-----	26600	Willin, Mrs. W. N.	-----	26535
Columbia River Packers Association, Inc.	-----	26550	dried:		
Deep Sea Salmon Co.	-----	26626	Balfour, Guthrie & Co., Ltd.	-----	26674
Emard, H. J.	-----	26600	Cured Fruit Association of California	-----	26668
Hamill, S. Co.	-----	26550	Guggenheimer & Co.	-----	26636
Harris, P. E.	-----	26633	Posenberg Bros. & Co.	-----	26668
Hood Bay Canning Co.	-----	26673	Peanut butter:		
Kelley-Clarke Co.	-----	26691, 26713	Martin Peanut Products Corporation	-----	26658 ✓
Kunin, Samuel, & Sons, Inc.	-----	26544	Reliance Pure Foods	-----	26658
Libby, McNeill & Libby	-----	26662	Pears:		
Lowe Trading Co.	-----	26616	Aylward, E. M.	-----	26718
North Sea Foods Co.	-----	26610	Crandall, D. M., & Sons	-----	26611
Ocean Packing Co.	-----	26629	Greer, Mrs. H.	-----	26690
Pacific American Fisheries, Inc.	-----	26527, 26544, 26650	Hamilton, D. M.	-----	26702
Paxton & Gallagher Co.	-----	26550	Kenney, J. E.	-----	26630
Pioneer Canneries, Inc.	-----	26675	Maul, John	-----	26717
Pioneer Seafoods Co.	-----	26603	Muir, E. O., Co.	-----	26611
			Namor, Charles	-----	26718

¹ Contains instructions to the jury.

Pears—Continued.		N.J.no.	Shellfish—Continued.		N.J.no.
Overhiser, Arlie-----		26695	oysters:		
Rafelson, Abe-----		26702	Tull, W. L.-----		26645
canned:			Tull, W. L., & Bro-----		26645
Rogue River Valley Canning			Wentworth, O. E-----		26644
Co-----		26660	shrimp, canned:		
Pickles:			Deer Island Fish & Oyster Co.		26704
Thies Pickle Co-----		26689	Strawberries, canned:		
Preserves, jams, and jellies—			Apple Growers Association---		26613
apple butter:			Johnson, H. A., Co-----		26613
Leyhe, W. H., Jr-----		26552	Sugar, maple:		
Maull, Louis, Co-----		26552	Duche, T. M., & Sons-----		26667
Maull, Louis, Sr-----		26552	Toast, melba. <i>See</i> Bakery products.		
Jelly:			whole-wheat. <i>See</i> Bakery products.		
Carolina Mushroom Growers,			Toasted crumbs. <i>See</i> Bakery products.		
Inc-----		26547	Tomato catsup:		
marmalade:			Beebe, A. M., Co-----		26682
Carolina Mushroom Growers,			Brocton Preserving Co., Inc---		26655
Inc-----		26547	California Supply Co-----		26682
preserves and jams:			Libby, McNeill & Libby-----		26647
Brook-Maid Food Co., Inc-----		26546	Lippincott Co-----		26714
Carolina Mushroom Growers,			Yoelin Bros. Merc. Co-----		26669
Inc-----		26547	juice. <i>See</i> Beverages and beverage		
Central Wholesale Grocers,			bases.		
Inc-----		26540	ketchup. <i>See</i> Tomato catsup.		
Edwards, Wm., Co-----		26541	paste:		
Fresh Grown Preserve Corpora-			Brocton Preserving Co-----		26703
tion-----		26649	Coast Fishing Co-----		26652
G. & H. Products, Inc-----		26539	Holleb & Co-----		26703
Glaser, Crandell Co-----		26677	Italian Food Products Co.,		
Golden West Preserve Co-----		26654	Inc-----		26652
Goodale Puffer Grocery Co-----		26664	Prince Macaroni Mfg. Co-----		26652
Hemple Manufacturing Co-----		26539	puree:		
Holsum Products-----		26540	Gordon, Sewall & Co-----		26625
Madison Food Products Co-----		26541	La Ferie Canning Co-----		26625
Milrey Packing Co-----		26649	Rio Grande Valley Cannery		
Salomo Food Products Co-----		26664	Sales Co-----		26625
Samuels, L. E-----		26654	sauce:		
Samuels, S. A-----		26654	Coast Fishing Co-----		26652
Velmo Co-----		26654	Ossola Bros., Inc-----		26652
Salmon. <i>See</i> Fish.			Tomatoes, canned:		
Sardines. <i>See</i> Fish.			Beard, A. S-----		26625
Sausage:			Gordon, Sewall & Co-----		26625
Ettlinger Casing & Supply Co.		26628	Harrison, J. S-----		26653
Shellfish—			Harrison & Jarboe-----		26653
crab meat:			Harrison, R. L-----		26653
Clayton, J. M., Co-----		26599, 26608	Harrison, R. S-----		26653
Crisfield Packing Co-----		26576	Jarboe, M. G-----		26653
Larrimore, W. C-----		26592	Tyrrell & Garth-----		26625
Ruark, W. G-----		26529	Tuna fish. <i>See</i> Fish.		
Ruark, W. G., & Co-----		26529	Vanilla flavor. <i>See</i> Flavors (house-		
Slaughter, C. T-----		26561	hold).		
Southern Seafoods-----		26566	Whitefish. <i>See</i> Fish.		
Tawes, J. C. W-----		26681			

